

PRESIDENTIAL SPEECH



NATIONAL POLICING
SUMMIT



RENDEZVOUS GRAND HOTEL
MELBOURNE

AUGUST 4 - 5, 2015



DELIVERED BY
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PRESIDENTIAL SPEECH – NATIONAL POLICING SUMMIT, AUGUST 4 – 5, 2015

INTRO

Thank you for that generous introduction XXXX...

Good afternoon everyone... and thank you for the opportunity to address you today... on such critical police issues...

Like my fellow speakers... I've been around policing... and police industrial relations... for a long time...

Common to all of us... I think... is the number of times we've heard conference themes and research paper titles like ***The future of policing... Is law enforcement achieving its aims?... Policing in the 21st century...***

I think... in our business... we hear these now well-worn lines so often that... sadly... they tend to become glib... and we end up wondering what they really mean...

Perhaps... in some cases... the perfunctory way in which we use these terms has devalued their meanings and implications...

Because we do seem to talk about policing in the future tense ad infinitum... perhaps without achieving appreciable change...

In the police labour movement... we remain very clear about our future expectations of policing... as an essential service... as a career... and... ultimately... as the bedrock of a functioning Australian society...

Through the Police Federation of Australia... my fellow federal, state and territory police union presidents and I enjoy the privilege of representing the nation's 60,000-odd police practitioners...

And to do that... we draw on not just our experience as advocates but also our own backgrounds as front-line police...

So our input to the national conversation on policing is based on... and not removed from... the realities and imperatives of the job...

OUTSOURCING

One particularly serious issue... in our view... is the almost surreptitious manoeuvrings of the private security industry into police roles...

This has unquestionably taken place abroad... with troubling consequences... and, of course, the Police Federation of Australia remains strongly opposed to it...

Indeed... the UK managing director of G4S Policing Support Services visited Australia just last year...

And the British experience of outsourcing police functions is telling...

It began in 2010 with the UK government implementing austerity measures which... essentially... opened the public door to the private security industry...

Since then... the industry has pushed... as have some Australian state governments... the concept of “contestability” in respect of some traditional police functions...

And... in 2012... after the Australian Security Industry Association Limited (ASIAL) visited the UK ... came a report by the Construction and Property Services Industry Skills Council...

It identified that some in the UK believed that 15 to 20 per cent of police functions could be carried out by private security firms...

From that UK visit... the private security industry emerged with a very clear grasp of the strategies it would need to implement here... in order to manoeuvre its way into Australian police roles...

And the Security Industry Association went on to commission a leading Griffith University academic... and a former NSW deputy police commissioner... to prepare further discussion papers which it used... along with its own research... to lobby Australian state, territory and federal governments...

In Queensland... the now former Newman Government created the Public Safety Business Agency... which many saw as a body established simply to sell off to the private sector...

But at a recent meeting... Queensland police officers raised concerns about the PSBA with the current premier and police minister who appeared to share those concerns...

In a 2013 report... titled *The role of major contractors in the delivery of public services*... the UK National Audit Office highlighted several concerns with the outsourcing process... They were...

- Was there sufficient competition in contracted-out public services?
- Did the various government departments have the capacity to manage such contracts?
- Larger private companies generally dominated the process and often acquired the smaller businesses leading to more consolidation in the market place... and therefore a less competitive market.
- Not all of the processes involving these companies were transparent... as was expected of public services... Many were large organizations which had sprawling structures, involving a vast number of subsidiaries.
- The major focus of these large organizations was maintaining shareholder value... not necessarily meeting the standard expected of public services.

The Police Federation holds a rock-solid view on the privatization of police functions...

It is that policing is not a profit-making public service... It must remain a universal service for the entire Australian community...

What it must not be is simply a service for those who can afford to pay for safety and security...

Apart from questioning the reputations and operations of some major UK firms... the Audit Office made the point... and I quote... that...

“Parliament, the government and the public have clear expectations of the standards expected of all public services. These include honesty, impartiality, openness, fairness, integrity, transparency, objectivity, and reliability, carried out in the spirit of the law, in the public interest, to high ethical standards and achieving value for money.”

The great concern to us is the action governments take to outsource solely for budgetary reasons... without considering the impact on police service delivery...

Police... along with the courts and the legislature... constitute the foundation of Australian democracy...

And what legitimizes that democracy is public confidence in the impartiality... effectiveness... and professionalism... that police apply to their critical role as law-enforcers and protectors of their communities...

Unlike others in public service... police are empowered to exercise coercive force... to search and detain... to arrest...

It is critical for those granted such powers to be expertly trained and highly professional... in order to apply their authority appropriately... and account for themselves under subsequent scrutiny...

Not in any private or commercial context can the independence of the office of constable be guaranteed... and this... of course... is a prerequisite for legitimate policing...

We all understand and appreciate the unique services police provide the public... It would be folly to underestimate the risks in delegating the delivery of those services to private providers...

That delegation comes with the potential to weaken the robust accountability and oversight which counterbalance the powers police necessarily employ in order to fulfil their role...

Last year... in online publication *New Matilda.com*... social commentator Ben Eltham wrote of the NSW ICAC inquiry into Australian Water Holdings... and I quote...

“The public policy trend towards privatisation has also created plenty of moral peril for legislators and bureaucrats. Where privatised contracts are drawn up that transfer the provision of public services to a company with little or no competition, and where the terms of that arrangement are contractually screened by the handy use of ‘commercial in confidence’ clauses, a rich agar for the germ of corruption is spread.”

As I indicated a few moments ago... the British experience of outsourcing began with austerity measures...

And... in Australia today... we understand the fiscal pressures under which police... the wider Australian workforce... and all levels of government operate...

But... still... federal, state and territory governments must properly fund police services and functions...

One only had to watch the *Four Corners* programme last month to understand how critical the need is for appropriate government funding...

We saw how the 'Ndrangheta... a branch of the Italian mafia... had flourished in Australia while police action against terrorism was drawing the lion's share of funds and personnel...

Funding must be made available to train police to a recognized standard... and to support all their ongoing functions...

There must also be a sound rationale for such outsourcing... appropriately robust scrutiny... and the strongest system of accountability...

Because the evidence of the failings of outsourcing is undeniable...

One example is the 2012 London Olympics... Security firm G4S failed to meet its contract obligation to supply even 6,000 of the 10,000 required security guards...

British troops had to make up the shortfall...

Then there were the UK serious fraud investigations into G4S and Serco...

The result? Serco repaid 68.5 million pounds... and G4S 109 million pounds... for overcharging the UK Ministry of Justice.

In Australia... the WA government dumped G4S from its prisoner transport contract and... in June this year... announced that it was now dumping Serco... which had replaced G4S...

These examples illustrate perfectly what can happen when governments outsource critical public responsibilities to private bodies... all for cost-saving...

SUPERANNUATION

Another issue of serious concern to the police community is that of superannuation...

Australia's ageing population... as identified in the government's **2015 Intergenerational Report**... is set to impact on the nation's future workforce... particularly in respect of retirement policies...

Just last month... new superannuation preservation age arrangements kicked in... which means that those born after July 1, 1960 must work to age 56 to win full access to their superannuation savings...

For those born after July 1, 1961... the age is 57... and so on... up to July 1, 1964... those born after that date having to work to age 60...

It is now apparent to police in all jurisdictions that they might have to toil for longer than they had intended... in a job recognized as one of society's most arduous...

The previous federal government increased the pension age to 67... and debate continues about raising that age further... to 70...

Indeed... many individuals and groups argue that the superannuation preservation age requirements should mirror those of the pension age...

Could I ask you to imagine the impact on police if that came to fruition... and the pension age rose to 70...

Imagine the sight of police officers... in their late 60s... on the streets... in the middle of the night... trying to contain brawling nightclub drunks wielding broken glasses, or high on Ice...

Imagine them under attack on a violent protest line in a main city street... or trying to charge into a burning house to rescue an occupant...

Because these are the scenarios which police... in their late 60s... would still have to confront...

Australia's police commissioners... at their conference of March 2003... gave unanimous support for an exemption for police from the superannuation preservation age rules...

The commissioners agreed with the PFA position... that it was nonsensical to deploy sexagenarian police officers to the front line... that it was plain wrong for police to work there past the age of 55...

The commissioners expressed that view in a letter to then-Senator Helen Coonan in April 2003...

They highlighted not only the impact the preservation rules would have on police... but also the extent to which that impact would flow on to the public...

It was deeply disappointing that no government action followed the clearly expressed concerns of the commissioners...

In 2005 the PFA made a submission to a federal Treasury review of superannuation preservation arrangements... as they apply to police...

Through a subsequent report... the review claimed that...

It found no evidence that police are in a unique position in so far as they are affected by the increase in the preservation age. The review believes that the preservation age should be treated as a community wide standard, and that issues specific to the police force should be dealt with through occupation-specific policies.

The PFA... along with Australia's police commissioners... roundly refuted that finding...

We have many times highlighted the exemption mechanism which exists under the *Superannuation Industry (Supervision) Act*... and which requires neither legislative nor even regulatory amendment...

It enables the government to exempt police from the new preservation age requirements...

And that would afford police the dignity of retirement at age 55... or 60 if it were considered more appropriate...

The very existence of the exemption power under the act makes it clear that Parliament... when passing the law in 1992-3... understood that a one-size-fits-all approach might well prove inappropriate in the future...

Critical to this argument is the legislation's design...

It is such as to allow executive action of the "regulator"... rather than a return to parliament for debate or a vote... to achieve exceptions to the general rule...

The parliament clearly showed... through this procedure... that it rightly chose to delegate the power of exemption to the executive...

There can be no doubt that exceptions were always in the parliament's thinking... and need not now go through parliament for approval...

The 2005 Treasury review made no reference to the existence of the exemption power... even though it was clearly detailed in the PFA submission to the review...

To omit a detail of such importance was to render the report significantly flawed...

Where the superannuation preservation age is concerned... one size certainly does not fit all... Police work is replete with hazards... and special rules should undoubtedly apply.

Just as the commissioners did in 2003... we would implore you to support the PFA in this campaign to afford Australian police officers a dignified retirement...

Let them not be forced to continue to work beyond age 60 simply because of an arbitrary determination by a federal government...

As some continue to advocate the alignment of the preservation age and the pension... this issue becomes more and more critical...

Police jurisdictions must take these proposals into account in respect of workforce planning...

The PFA will... in the strongest terms... oppose any move to exit police officers on the basis of some arbitrary fitness standards contained in an "inherent-requirements-of-policing" document...

Owing to the outsourcing I spoke about earlier... it's clear that many roles into which we might have placed ageing, sick or injured police no longer exist...

This will position police jurisdictions under significantly more pressure to conceive the means of dealing with future federal government retirement and superannuation policies...

PROFESSIONALIZATION

Another issue which deserves a place firmly on the national discussion table is that of the professionalization of Australian police...

This represents an irresistible challenge for police commissioners who must... in the PFA view... adopt a position which serves the best interests of their employees and the community...

As far back as July 1997... 18 years ago... the then-Australasian Police Ministers' Council determined that policing should:

- Develop, review and endorse education and development standards.
- Evaluate and approve professional development programmes.
- Provide advice on relevant professional practice.
- Promote and develop proposals for a police professional registration scheme.

Headlines blazoned across *Sydney's Daily Telegraph* last January proclaimed: *Police careers attract the brightest students of Western Sydney.*

The accompanying article read, and I quote...

“Hundreds of the brightest and best students are signing up for a degree in policing...”

“Policing has been growing in popularity for several years and this year has attracted more than 500 first preferences at the University of Western Sydney.”

As we all know the police recruits of today join a vastly different organization from the one their predecessors joined 15, 20 and 30 years ago.

Today's recruit rightly expects the police occupation to afford him or her the recognition and... indeed... the dignity of professional status...

This is why the PFA... through its state, territory and federal branches... has long supported the move toward police professionalization... including registration.

I'm sure no one here today would assert that policing fails to challenge its practitioners intellectually... or is not a quintessentially professional task...

Yet it does not enjoy... as does nursing and other occupations... the public recognition and status of a profession...

The Australia and New Zealand Standard Classification of Occupations... ANZSCO... provided by the Australian Bureau of Statistics and Statistics New Zealand... indicates that police officer and police detective are rated at skill level 2...

Whereas teachers, nurses and other allied health professionals are rated at skill level 1.

The PFA position is that practitioner registration is fundamental and central to the attainment of professional status...

It would... without doubt... assure the public of the quality of police practice...

The idea that police fail to rate as highly on the “skill level” or “professionalization scale” as teachers, nurses and other health professionals is... frankly... disappointing...

The PFA would urge commissioners to back professionalization and national registration and education standards...

Why... after all... would we not want our members... our greatest asset... to enjoy the professional recognition they deserve...

Importantly, too, is that registration is also a means of protecting the police profession... It ensures that only police officers who have satisfied all the requirements for registration are empowered to exercise police functions...

Moreover... it assures the community of the delivery of quality police services by highly trained and appropriately qualified police officers...

Anyone who failed to meet the registration requirements could neither call himself or herself a police officer nor be employed or sworn in as a police officer...

And neither could any government allow such a person to exercise police powers...

No person can practise nursing or teaching in Australia unless he or she is registered... And that's precisely the prerequisite that should be implemented for police...

And we must never underestimate the benefit of police knowledge and experience.

In 2009... the then-federal government commissioned the Allen Consulting Group to conduct a federal audit of police capabilities...

Roger Beale produced a subsequent report...

In it... he indicated that the qualifications of employment groups... such as teachers, health professionals, engineers and lawyers... were recognized across Australia...

And that that recognition brought about mobility... to the advantage of the individuals... their employers... and the wider community...

But... in the case of policing... Beale explained... there existed no national recognition of qualifications... and movement across jurisdictions was particularly limited... other than at the top and the bottom...

In the audit of police capabilities... Beale indicated that the advice of some police commissioners was that they would not support the mobility of officers above the base...

This opposition was based on concerns the commissioners held about officers from other forces lacking sufficient training to operate in their states...

Some suggested industrial difficulties... such as a more open market leading to increased "poaching" of staff and wage pressures...

It is lamentable that... in a nation of 22 million... police are not all trained to the same standard...

In everybody's interests... commissioners must act as one when it comes to making strategic decisions about the police profession...

For more than 25 years... the lack of mobility... the absence of a national labour market... and the inability to pursue national career opportunities... have truly perplexed police...

Now... at least... I can say that some progress is taking place...

Development of the police practice standards model is in full swing... and we will continue to encourage commissioners to pursue this outcome...

Roger Beale suggested that Australia could benefit from a national police labour market... and greater collaboration on police education standards...

Another issue he raised was that of the lack of national workforce planning... and how it inhibits policing...

Regrettably... Beale reported that the Australia and New Zealand Police Advisory Agency advised that it was not in a position to provide any assistance within the audit's time frame.

I take this to mean that... at the time... state and territory commissioners wanted no involvement in the audit... which would seem a counterproductive position to have taken...

But, just as the Productivity Commission examined the health workforce... it could also... as the Beale audit report suggested... examine the institutional arrangements in respect of the efficient and effective use of police resources...

The study into the health workforce by the Productivity Commission came from a decision of the COAG and...

One of the key recommendations in the report was the implementation of national registration standards for health professions... and the creation of a national registration board with supporting professional panels...

Beale recommended that...

The Productivity Commission should be commissioned, with the support of COAG, to conduct a study on the national policing workforce akin to that which has been conducted in relation to health. This should incorporate likely future demands, examine demographic drivers and alternative mechanisms for assisting police in determining the allocation of policing resources geographically. It should also examine barriers to the development of a national policing labour market, in particular barriers relating to qualifications and the mutual recognition of qualifications.

The PFA has long held the view that if policing does not itself determine what its future should look like... someone else will... as happened in the health sector...and this is a cautionary tale, as previous speakers have acknowledged today.

A key element of any profession is the development and maintenance of uniform national standards...

We would hope that such an outcome would result from the ANZPAA Police Practice Standards Model (PPSM)... in respect of which we are working collectively across the country to develop generic standards for front-line officers, supervisors, managers and executives... as well as a number of role-specific standards...

Both the PFA and the New Zealand Police Association are showing their strong commitment to the programme through the provision of funding...

We've put our money where our mouth is. It is a unique relationship in which Commissioners and Police Union/Association representatives come together to advance the police "profession" – That body is the Australia and New Zealand Council of Police Professionalization – ANZCOPP.

But that's not to say we always agree.

Some commissioners continue to tell us that they oppose the concept of professional registration because they fear losing the capacity to hire and fire their own staff...

The PFA's position on professional registration is that commissioners would continue to act as the employer of any police professional... as do employers in other professional fields...

They would have the right to hire and fire... and discipline... in line, of course, with the industrial regimes of their jurisdictions...

Commissioners would also continue to have the right to set standards in and for their own jurisdictions... but not below the minimum standards established by a registration board...

Professional registration brings undeniable advantages... and a data base of members and their skill sets would be a significant workforce planning tool...

And just as professional registration needs to be viewed from a national perspective... so too does purchasing... for the advantages it would bring...

And it would do that without affecting front-line policing capabilities...

AFAC – the fire authorities council – has practised collaborative purchasing to great effect...

We are aware that ANZPAA has begun to undertake some work in this area...

But the PFA first put this issue on the national agenda with governments and commissioners back in 2008 and... now... seven years later... we are only just dipping our collective toe in the water...

Were we to expedite the process... we would see significant efficiencies... obvious cost-savings and... ultimately... improved quality of equipment...

And presently, the issue of body worn video should be viewed along national lines as opposed to individual jurisdictional sensibilities....so that we avoid 8 different trials, different cameras, different policies, different storage capabilities and different costs.

THE POLICE PROFESSION

Could I end with some observations of the standing of our members in the Australian community?

In the Roy Morgan *Image of Professions* survey of 2015... respondents rated people in various occupations for honesty and ethical standards...

Police came in ninth... with a 69 per cent approval rating... consistent with the immediately preceding years...

It was way ahead of the ratings of a range of other professionals... such as university lecturers, bank managers, lawyers, journalists and politicians...

The survey provided no rating for private security officers...

A more recent 2015 Australian National University poll on corruption found that the Australian public has a high level of confidence in the police...

Only the armed forces scored higher on the confidence scale...

And when asked about whether institutions were affected by corruption... Australians overwhelmingly saw the police as one of the least corrupt institutions in the country...

So the high regard in which the nation holds its police forces is indisputable...

CONCLUSION

Our reputations... as individuals and as a collective... are critical in respect of the role we play in society... Rather than ever let them slip... we need to build on them...

But just to maintain our reputations... we need sound decision-making and visionary leadership to guide Australia's police forces...

And that vision needs to be a well-conceived image of policing in 10... and 20... and more years from now...

And not simply an image from a state or territory perspective... but rather a national perspective...

No valid argument exists for not thinking... and acting... along national lines...

We must collaborate on purchasing... on information-sharing... on the integration of laws...

And we must accommodate uniformity of standards...

So that the training and capacity of a police officer in Broome, Western Australia are the same as those of any of his or her colleagues in Kings Cross, Sydney...

And we must not... under any circumstances... fall for the deceptive arguments of those who advocate privatized policing...

The PFA will... at every turn... resist any and all moves to follow the UK path in this regard...

The folly... indeed the danger... in selling off a public responsibility... policing... into private hands could not be more obvious...

I would expect... or at least hope... that you too want to see the police occupation afforded true professional status... with nationally agreed education standards...

I would hope that you too want to see police with the broadest possible range of on-the-move capabilities... and interoperable across state, territory and federal boundaries...

National police registration would pose no risk to police commissioners' right to hire and fire...

And the one-size-fits-all retirement age... and superannuation access age... would end... It was always inappropriate... and we're capable of structuring much better systems...

Police must have superannuation entitlements which are unfettered by federal legislation...

They must have the capacity to finish their careers at age 55... or 60... and not be financially disadvantaged...

Ultimately... with co-operation between Australia's 60,000-odd police practitioners... and the nation's police executives... we can advance the cause of policing to great effect... and for the benefit of all...

Thank you...