



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON JUSTICE  
AND COMMUNITY SAFETY**

(Reference: [Inquiry in the form of an evaluation of current ACT Policing arrangements](#))

**Members:**

**MRS G JONES (Chair)  
MS B CODY (Deputy Chair)  
MR D GUPTA**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 16 JUNE 2020**

**Secretary to the committee:  
Mr A Snedden (Ph: 620 50199)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

## **WITNESSES**

|   |           |
|---|-----------|
| <b>HINCHCLIFFE, MS JAALA</b> , Integrity Commissioner, Australian Commission<br>for Law Enforcement Integrity ..... | <b>16</b> |
| <b>MILLEN, MS BONNIE</b> , Senior Policy Adviser, Advocacy for Inclusion .....                                      | <b>10</b> |
| <b>ROBERTS, MR TROY</b> , Media and Government Relations Manager,<br>Australian Federal Police Association .....    | <b>1</b>  |
| <b>SMITH, MS ANGELA</b> , President, Australian Federal Police Association.....                                     | <b>1</b>  |

## **Privilege statement**

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 20 May 2013*

**The committee met at 3.14 pm.**

**SMITH, MS ANGELA**, President, Australian Federal Police Association

**ROBERTS, MR TROY**, Media and Government Relations Manager, Australian Federal Police Association

**THE CHAIR:** I declare open today's session of our online and streamed public hearing of the Standing Committee on Justice and Community Safety. It is the first hearing into the committee's evaluation of current ACT Policing arrangements. On behalf of the committee, in advance of their appearance, I thank the witnesses who will appear today. The initial discussion will be with representatives of the Australian Federal Police Association.

The proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Answers to questions taken on notice should be provided to the committee office within five business days after receipt of the proof *Hansard*, day one being the first business day after the proof *Hansard* is sent by the committee office.

I welcome the AFPA representatives. The committee has published your submission. Do you have an opening statement?

**Ms Smith:** No, we don't. We want to thank the committee for giving us the opportunity to appear before it today.

**THE CHAIR:** I want to go straight to the submission. The submission goes to some of the things that are really good about the policing arrangements which your organisation supports. Every time we come up for a renegotiation of the policing agreement, are there things that you wish were different or that could be improved? We have had some discussions about the way that this agreement works in the ACT. However, we have not really had much in the way of constructive suggestions for how it should be improved. Do you have anything in that vein that you want to share with us?

**Ms Smith:** The thing I am thinking about, off the top of my head, is a possible expansion or increase in numbers. It restricts our numbers too much—the 930 full-time equivalents. That means we cannot expand our numbers in the ACT to any great degree. That seems to be the one thing that is problematic each time it comes up—if that could be looked at each year or each time it comes up, to see whether it is the right number for us and whether it should be increased. As you know, we have spoken in public before about the fact that we are quite tight with numbers, and there does not seem to be a lot of movement in that area.

**THE CHAIR:** That number is set by the agreement; is that what you are saying?

**Ms Smith:** That is right.

**THE CHAIR:** That could do with some more detailed negotiation each time it is reorganised?

**Ms Smith:** Yes, I think it should, and at least look at that number to see whether that is a fit-for-purpose number, given the expansion of the ACT. Its population is ever-expanding, and the geographic size is constantly expanding. That number does not ever really seem to shift too much over the years.

**THE CHAIR:** Yet the population certainly has. The other thing I want to ask about is training. Certainly, one of the other submitters, Advocacy for Inclusion, has some opinions about how we could improve training for AFP personnel. At the moment, am I correct in saying that the training is conducted by the federal government for officers who come in to the ACT as police officers or does the ACT government organise some of that training?

**Mr Roberts:** The Federal Police development program is run out at the AFP College. Obviously, there are two sections of the AFP sworn cohort. There is the national operations side and there is the ACT Policing side. Each operates under different legislation. Given that, in the sense of training, the core is similar; obviously, they separate it when they focus on different legislation outcomes.

**THE CHAIR:** I might have to ask the minister, when we have him in front of us, who is paying the bill. My understanding—and I would be happy to be found wrong—is that the training is federal government paid. As a result, it is a little fluid as to who the ACT police are and who the federal are; people come and go quite a bit.

**Ms Smith:** I think you are right. It is generally paid for federally, but the courses are then divided. With respect to when Troy and I went through the college here, I joined specifically to be an ACT Policing officer. That was my training all the way through, and I went straight in to ACT. I think it is fluid up to a point. A lot of police officers are trained for ACT Policing, they stay there and their whole career is in ACT Policing. There is that fluid boundary. It is a porous border, I guess. At the same time, a lot go back. They come across to the federal operations to get certain experiences and they go back.

It is something that the AFP enjoys, and it is a recruitment strategy, in that you get to work not only in ACT Policing but in the broader AFP. The training and the experiences that you get in ACT Policing are the best, bar none. That is why a lot of ACT Policing officers are asked to move into the federal operations, because they are extremely good police officers.

**MS CODY:** I had a quick look at the submission. I note that you mention the NSW Police Force, and the ACT becoming a local area command. You are concerned that if New South Wales, for example, was to be provided the contract to deliver policing services in the ACT, it could possibly mean a lower number of police officers on the streets. I noticed, in particular, the part about the nearest crash investigation unit being located in Wollongong. Can you give me a little more information about that? I know you know your stuff; that is why I am asking about it. Where have those amounts come from? Is it from talking with your counterparts in New South Wales, to get a broader picture? How does that work?

**Ms Smith:** Given the numbers in New South Wales—they are always strapped for numbers, as we are—if the NSW Police Force came in and policed the ACT, they

would not necessarily get a boost in numbers just to police the ACT. The ACT would probably be absorbed into that local area command, the Monaro LAC. Therefore, that is a much larger area. We are assuming that officers would be even thinner on the ground in that regard.

Going to the crash investigation unit, we have our own crash investigation unit in the ACT. If it came under a New South Wales local area command, the crash investigation unit would remain in Wollongong. I could not imagine that they would set up their own crash investigation team here. That would not make economic sense.

**MS CODY:** We are seeing, particularly at the moment, a bit of the culture surrounding some of New South Wales policing versus ACT Policing. Do you see that as something that could be a bit of an issue?

**Ms Smith:** Anecdotally, and I would not want to upset my New South Wales counterparts—

**MS CODY:** No; I said “some”—some behaviour of some officers.

**Ms Smith:** Yes. They do have a different training regime. I have not done the New South Wales policing recruit course, so I am not sure, but there does seem to be a slightly different culture aspect, when you are comparing ACT Policing to New South Wales. We do fairly intensive mental health training, and we do vulnerable people awareness courses and things like that. I do not know whether they do. I think you can see that there is a difference when some of their behaviours are highlighted over ours.

**Mr Roberts:** Going back to your original question, one of the biggest hurdles that we see is in the legislation space. There are different rules and laws in New South Wales compared to the ACT. How would you train a New South Wales police officer with respect to special constables? How are you going to manage that? How are you going to manage a different brief preparation system? There are all of these administration type things that would be quite difficult to overcome.

**MS CODY:** Picking up on your point about legislation, the ACT does have different legislation from New South Wales. For example, with the current cannabis legislation, it is different from legislation in New South Wales. In that respect, it would be quite interesting to see how that would be managed, wouldn't it?

**Ms Smith:** Very much so.

**Mr Roberts:** Yes.

**Ms Smith:** Again, as Troy was saying, they would have to learn both sets of legislation. They would have to learn the ACT legislation. If you change the police force, you have all of the flow-on effects, such as the courts and all of the other ACT government departments that ACT Policing work with. The New South Wales police would have to know about all of those intricacies. It would be a whole different training regime for them. How many would be putting their hands up to do that? I do not know.

**MR GUPTA:** On the call centres, do you get a report, weekly or monthly, on the success rate, the conversion rate? Especially with the multicultural community, do you have a multilingual person to assist people with their calls?

**Ms Smith:** That is more of a question that you would put to the commissioner, regarding those sorts of figures. As the association, we do not receive any of those figures. We can only go by our own experience and what our members bring to us. We do not get the figures for the comm centre and those—

**MR GUPTA:** What kind of feedback do you get on that?

**Ms Smith:** In relation to cultural awareness?

**MR GUPTA:** On the calls. When we call triple zero and the 131 444 number, on the call conversion, how do you get through them? Do you have figures for calls being treated, people being attended, call dropouts and people with multilingual—

**Ms Smith:** No, we do not get those figures in the association because we do not have anything to do with that. That is an operational matter. The association does not receive those figures. Only the organisation, the AFP and ACT Policing, would get those figures; certainly not us.

**THE CHAIR:** We will be able to come to that question when the AFP appear.

**MR GUPTA:** Okay.

**THE CHAIR:** Is there something else that you want to ask AFPA about, regarding how the members are going? They are representing all of the Policing members.

**MR GUPTA:** We touched base on training. What other training is available for people with depression and other things? Do you have information on that? Is that something that comes up in a large organisation like yours?

**THE CHAIR:** Yes, mental health training.

**Ms Smith:** Mental health training happens during the recruit phase at the college. There would be a whole syllabus on mental health training. When Troy and I were operational police officers, we went through a four-day mental health training program, which is on top of everything that we did as recruits. That brought in mental health clients and practitioners. It was quite an intensive four days. There was quite a bit of training out there.

The AFP could probably do more around the cultural awareness space. We would work every day with marginalised and minority groups. Of all the areas that work with marginalised and minority groups, I think the police do extremely well. That is our bread and butter. It is an everyday, all day, all shift occurrence—working with those groups. I think we do extremely well in that space.

**MR GUPTA:** Some of the feedback that I get from the community, especially from those with an ethnic background, is that they sometimes find cultural awareness is not

that prominent. They sometimes struggle, in that their voices are not heard or they are not treated fairly. Do you have this kind of feedback coming back to you?

**Ms Smith:** Again, probably not so much to us. That would be a good question to put to Commissioner Kershaw and the Chief Police Officer, Neil Gaughan. They are possibly appearing tomorrow. They are excellent questions that you should put to them, in relation to that cultural awareness and the feedback that the police get from those groups. The association does not receive that sort of feedback. We deal daily with our members on their industrial, legal and welfare entitlements and support.

**MS CODY:** I know we just talked about mental health, as in looking after those in the community that might be struggling a little with their mental health. What about the mental health of police officers? What sorts of things does ACT Policing have in place, and how does that vary from some of the other jurisdictions?

**Ms Smith:** That is a good question. 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.

**THE CHAIR:** You talked about filling in some of the gaps. What are the types of things that you find yourselves doing for your members in this space?

**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 really 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."

**THE CHAIR:** Is it hard sometimes to get the message through to the hierarchy or the people who are in positions of decision-making that if someone is suffering from a

mental health concern, in many instances they can not only recover but come back stronger because they know where their limits are? Certainly, something that I have heard back from those on the ground is that that is still not well understood. Mental health is an area we are all learning about all the time, but that is a particularly important piece of the puzzle, I would imagine.

**Ms Smith:** Yes, I think there is a huge problem, and it is across the board in a lot of policing organisations. With the expertise and background in policing, police do not necessarily go on to become psychologists and into that organisational health area. It is staffed by civilian staff who do not really have the experience of what it is like to be a police officer on the ground and going to traumatic incidents. That lived experience with the civilian staff is not there, and that is possibly where the gap is. If we could work with the commissioner more and try and staff those areas with either ex-police officers or police officers that want to move out of the frontline and into those areas—

**THE CHAIR:** Is there a possibility to do it a bit like Defence does, and mix uniformed and non-uniformed members in the same space so that they are informing each other? That is common in Defence, and that gap does not appear so much.

**Ms Smith:** It is something that the AFP needs to explore more, yes.

**Mr Roberts:** Picking up on what Angela said, 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 actually should.

**Ms Smith:** Far too early. Some of these members have complex PTSD, and 45 weeks on Comcare and out of the workspace is nowhere near enough for that recovery and that—

**THE CHAIR:** On that issue, I have a question about part-time return to work. I know that some people who have suffered from serious mental health concerns and who suffer from PTSD are not wanting to come back as full-time employees. Is there a part-time option or is that, again, one of those things that we have not really had in the AFP?

**Ms Smith:** It is almost a case-by-case situation, and I think that there probably needs to be more work in that area to ensure that people can come back part time and in an area where they are not going to be re-injured, and certainly where there are not triggers for people.

**THE CHAIR:** Yes.

**Mr Roberts:** There needs to be more of that.

**THE CHAIR:** Yes, okay.

**Ms Smith:** Yes, and Comcare is our big hurdle. Comcare is—

**THE CHAIR:** Okay, so that is really interesting because it is another one of those matters which arise from the fact that our policing is part of a commonwealth force, essentially. It is hard to separate those issues and yet we do not have the legislative power necessarily to change those things. We can ask. We can lobby. We can make the case.

**Mr Roberts:** For the bigger picture—I know that you have a defence background—I look at the DVA agency. Police do not have anything like that. There is no assistance once you get out of the Comcare frame. That is definitely something else to work with the AFP on, and we can look at how to fill that void and try and create something in that DVA field.

**Ms Smith:** If I can pick up on that Comcare subject, some of the state compensation companies are not as well placed as Comcare. You can stay on Comcare forever. I think that with the state insurance organisations, the intention is to get you back to work.

**THE CHAIR:** Absolutely, yes.

**Ms Smith:** So Comcare is a better insurance provider.

**THE CHAIR:** Right. From that perspective, that is good to know. Can I ask, on notice, because I am sure that it is quite detailed, if you could consider what it is exactly about the Comcare model that would be ideal if it changed? Maybe just make a couple of suggestions to us. Otherwise, because we have five minutes left of questioning, I do not think we will get to the heart of it, but I think that would be really helpful.

**Ms Smith:** Yes, we can certainly come back to you with something.

**MR GUPTA:** I have a question that is supplementary to that. With Comcare and mental health, do you have any return-to-work program that, in fact, is there as well—slowly return to work?

**Ms Smith:** Again, that would be a question for the AFP.

**MR GUPTA:** Okay.

**Ms Smith:** Yes; because, again, we are separate from the organisation and there are return-to-work things in place in the AFP, but that is certainly a good question to put to the commissioner.

**THE CHAIR:** There is one final question I have for you about preventative mental health training, for PTSD in particular. Has the AFP, that you know of, got anything in that space?

**Ms Smith:** Not that I can think of, off the top of my head. No.

**THE CHAIR:** That might also be something worth looking into, because

I understand that a growing area of academic expertise is in training people up, both in what to look for but also how to handle any form of mental distress that is caused by work and so on—and sometimes the preventative can make it easier to recover.

**Ms Smith:** Just give me one minute. There is a little bit of training in the recruit course and it is like an exposure type of training. It is done in sort of vignettes of exposure. It is minor and then it sort of builds up. It is really in relation to corpses and that sort of thing so that you start to understand what a dead body looks like because, in policing, that is what you come across not too irregularly. But I do not think it is enough.

**THE CHAIR:** Right, okay. No, that is really good. I had one other thing that I wanted to ask. Some of the facilities for the AFP ACT force are ageing. I know that there is some work going on, but if we are talking about the agreement, is there any way that the agreement could analyse and have an eye to the facilities. It feels to me that the agreement deals with people and outcomes, but it does not necessarily deal with the buildings that these people have to work out of or the number of cars that they have access to and that sort of thing.

**Mr Roberts:** Yes. I understand where you are coming from. I am just trying to think, because ACT Policing and the AFP do not own a lot of the buildings; they are actually government assets. So it is a question of how we can guarantee that timely maintenance is done—the roof does not leak and cave in when it rains, as we have seen up at the operations centre.

**THE CHAIR:** I think that Belconnen had that issue—was it during the summer?—and I understand that there is at least a meeting room in the city police station where the windows leak. The Gungahlin police station does not have soft interview and does not have a separated lunch area.

**Ms Smith:** That is right.

**THE CHAIR:** I mean, is there more that could be done in this space?

**Ms Smith:** I think 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.

**THE CHAIR:** Yes.

**Ms Smith:** Yes, that is certainly something that needs looking at.

**THE CHAIR:** The full-time nature of Gungahlin police station has been in place for getting on for a decade now, has it not?

**Ms Smith:** Yes. Well, over a decade, probably.

**Mr Roberts:** Yes, it has been an issue for a while.

**Ms Smith:** Yes, probably about a decade.

**THE CHAIR:** Okay. So that is certainly something we can at least make some suggestions about. Fantastic. All right, that is the end of my questioning, unless there is anything else you wanted to raise.

**Ms Smith:** No.

**Mr Roberts:** Going back to your first question, chair, I might take that on notice because there were some little minor tweaks which I think we can look at in this agreement, especially around the traffic and road safety aspect.

**THE CHAIR:** Yes.

**Mr Roberts:** I have seen some of the critical effectiveness there, which is probably a bit ho-hum, truth be told. We could probably do a little bit of work around that and actually get some proper indicators. If someone fails to wear a seatbelt, what does that actually mean and where does that go or what is the outcome of that response? So I would like to take that first question on notice and provide the committee with some more information.

**THE CHAIR:** Thanks; that would be fantastic. Thanks very much to the AFPA. We will just break for a couple of minutes while we get organised with our next witness.

**Short suspension.**

**MILLEN, MS BONNIE**, Senior Policy Adviser, Advocacy for Inclusion

**THE CHAIR:** On behalf of the committee, I welcome Ms Bonnie Millen from Advocacy for Inclusion to answer the committee's questions on matters shown in the program. I remind our witnesses of the protections and obligations entailed by parliamentary privilege, as set out in the statement sent to you by email. Would you confirm for the record that you understand the privilege implications of the statement?

**Ms Millen:** I do.

**THE CHAIR:** Thank you. Do you have an opening statement?

**Ms Millen:** Yes, I do. I just want to thank the committee for having Advocacy for Inclusion to speak on this important topic. We are a national systemic body that represents people with disabilities in the ACT. Part of our work is justice orientated, supporting people with disabilities through the ACT justice system. We also take on individual advocacy on behalf of clients in a range of other settings. We are looking forward to being part of this inquiry. Thank you for having me.

**THE CHAIR:** Thanks very much. I might just start with one question. Obviously, how police interact with the community is a hotter topic now than it was even when we asked you for your submission.

**Ms Millen:** It is.

**THE CHAIR:** I note that your submission has given a whole host of case studies, which I think is really helpful for how we start to understand what could be improved. We have talked a little bit in the last few minutes with the AFPA, the police association, about police training. I know that your recommendation goes to training, but could you be more specific about who could deliver the type of training that you are talking about and what it would include?

**Ms Millen:** So some of the training that Advocacy for Inclusion is putting together in conjunction with ADACAS is a training package that is very much informing police, but also other professionals, such as correctional services and child abuse protection matters, on how best to interact with people with disabilities in the justice space and how better to improve the justice space for people with disabilities to have that equal participation in their justice matters.

In relation to who can deliver it, we are of the impression that organisations such as Advocacy for Inclusion or even ADACAS would be best placed to support people with disabilities to be able to be part of the justice space in our advocacy work. Part of our funding from the ACT government enables us to create those resources and those training packages. So I would imagine that we will be in the best position to deliver that training on behalf of the Office for Disability but also in conjunction with the ACT government.

**THE CHAIR:** Do you do cultural training as part of your training or is it mostly about disability and inclusion in that sense?

**Ms Millen:** Do you mean culturally diverse?

**THE CHAIR:** Yes.

**Ms Millen:** Not often. We do have a good relationship with the National Ethnic Disability Alliance, NEDA. We have a good relationship with them when it comes to culturally diverse matters. We do not have any direct advocacy that supports, but we certainly are open to anybody who requires the advocacy as it comes. We have not quite directed our training specifically—

**THE CHAIR:** I was just wondering if there is any scope for that to be a part of the training that you are preparing, given that we will, no doubt, make some recommendations from this committee about how we can improve ACT Policing and what they need to know to do their jobs in the best, most modern way. Maybe you could take it on notice to have a think about?

**Ms Millen:** I will definitely take it on notice. It would be something that we would definitely support because all people with disabilities that come through come from a variety of backgrounds. So we are more than happy to add that to our training.

**THE CHAIR:** Mr Gupta might be able to inform me even more, because of his connections in the community, about how they are going, but sometimes there is a fear of police. Because of how police are perceived by people of different cultural backgrounds, or past experiences, police need to understand the different cultural backgrounds and how police are considered by different people. Do you have any thoughts on that, Mr Gupta?

**MR GUPTA:** Yes. I asked the question earlier. People from a multicultural background or ethnic background still have the fear that when they go out and approach the police, their attitude towards them is a bit different to what they find should be the other way around. So the fear in going to police is in not getting their voices heard. And then they do not have a second level to go to—someone to hear that. Is that very common? How do you address those things or does that come around?

**Ms Millen:** I will be happy to take that question on notice to provide a more comprehensive response. In our experience, people with disabilities, whether or not they come from a cultural background, have a presumption about police—often a misunderstanding of whether or not the police are going to support them. We have had instances in the past where people with intellectual disability are perceived as intoxicated rather than having a communication difficulty. So there are matters like that that we take into account when it comes to advocating on behalf of others. For the cultural background, I will need to take it on notice, because we have not had cases where people have felt that their background is a barrier when speaking to police.

**THE CHAIR:** Well, maybe they have not come to you.

**MR GUPTA:** The fear is there; that is the thing. The fear is there; they do not have a second level to go to. If they are not treated fairly in the first instance, they do not know where to go from there.

**Ms Millen:** Yes. We have received feedback in the past, as well, as to whether or not we can provide the advocacy support. We find, as well, that it is a double-edged sword. Unless people know that advocacy can be provided for them, and we can seek, perhaps, an interpreter or additional support to enable people to receive that advocacy, people do not approach for advocacy unless they know. So there is sort of a double-edged sword, where we do recognise that we need a more open approach to cultural diversity when it comes to people from different backgrounds receiving the advocacy supports, but our prime focus has been on people with disability.

**THE CHAIR:** Can I just ask, do you think that there is a place in our interactions with police, for some kind of phrase or signal that can alert police to the fact that people are stressed about the interaction and because of what they are dealing with? Either the police would have to treat everybody in the community as though they potentially do, which I am fine with, or we have to have some way of communicating with police that somebody deals with a particular issue. For example, one of my friends has a severely autistic daughter—I have two autistic children—and in her case, she gets her daughter to wear a T-shirt that says “Autism is my superpower” so that police or anyone else who she deals with are aware of it, but not everybody is going to be able to wear a T-shirt saying what their issue is.

Do you think that the solution is everybody being treated that way from the very get-go—to ask some questions at the beginning, rather than going straight into the offence or the issue that is being dealt with? Or do you think it is a matter of having some sort of key phrases, key words, a hand signal or something that we teach the community so that if there is something that they want to make police aware of, there is a standardised way of doing that?

**Ms Millen:** I think that there is a lot of benefit in people with disabilities being able to display that they have a disability. In the past, Advocacy for Inclusion has released something called a police wallet card. I will show you one, because it is a benefit of being here, online. They have something similar where it says “I have a disability” and police are able to see that the person has a disability. It also gives them some prompts about how you can speak to police. On the other end, at the bottom—it should be corrected now—there is a certain part where you can place information. This was our old logo; we have since changed the logo and we are going to update it. We have found this to be a very effective way of police knowing that the person has a disability without too much [*Interruption in sound recording—*]

**THE CHAIR:** Yes, because even explaining it in a stressful situation can be difficult.

**Ms Millen:** Yes, absolutely.

**THE CHAIR:** Do you think, maybe for those who would like it, that that kind of thing could also be useful? We will have to get a multicultural association or NEDA to come and talk to us. I just wonder if there is a way for people who come from a background that has a lot of fear of police, or concerns of how they will be treated, to have something similar.

**Ms Millen:** Yes. This is what Advocacy for Inclusion has been saying from the very start—that people with disability, no matter what background they come from, no

matter what disabilities they have, should be treated equally in justice matters—the same as a person without a disability.

**THE CHAIR:** That is right.

**Ms Millen:** Under the United Nations Convention on the Rights of Persons with Disabilities, they have the right to equal justice. I think that that is where the disability justice strategy comes in. We need to be a little bit better and a little bit more equal in the way that people can feel safe to approach their justice matters. That is including going to police, which comes under a lot of our case studies, where police have either been dismissive or have jumped to the conclusion where someone [*Interruption in sound recording*—] mental health. We have also had experiences where police officers are more aware, now that mental health training is a little bit more facilitated, whereas their disability training is not.

So, from the get-go, I think that disability training for police officers needs to be incorporated alongside the mental health training for cadets, to enable new police officers to come onto the beat or into other areas of police matters, to be able to communicate effectively with people with disability to ensure that they have the equal rights to justice from the very start.

**THE CHAIR:** Yes. In my own family I have had to learn how to speak to my kids who have autistic characteristics in a certain way that gets the information through to them most simply. I imagine some police would know all of that from their own backgrounds, and others would not, if it is not directly trained. Ms Cody, do you have a substantive question there?

**MS CODY:** I do indeed. I want to ask about Advocacy for Inclusion’s interactions with ACT Policing from a training perspective. I know that you have spoken a lot about the sorts of things that ACT Policing does or does not do, but are you involved in helping with those training packages?

**Ms Millen:** Yes. We have had a very positive interaction with ACT police. We have had a very collaborative approach to what training might look like, and have also been finding out about their experiences working with people with disability and even mental health issues in the sector. The training package that we are doing at the moment to increase that training is through the Office of Disability and the ACT government, but it is certainly welcomed by ACT Policing. It will enable us to have a better understanding of how police protocol works around certain communication methods and what police have to look out for. So there is a very good, collaborative relationship between the organisations. We are not in each other’s pockets, of course, but, to a certain degree, we feel okay about calling them and asking a question. There is a growing rapport, I think.

**THE CHAIR:** Yes.

**MS CODY:** I am assuming that you speak to other branches of Advocacy for Inclusion—other jurisdictions, whether they have different names and different outcomes. How do they compare? How does your interaction with ACT Policing compare to other jurisdictions and their interactions with their [*Interruption in sound*

*recording—*]

**Ms Millen:** Could you repeat that? Sorry, you just broke up a bit.

**MS CODY:** I will move a bit closer. Do you share information with other jurisdictions about their interactions with their police forces—maybe New South Wales, maybe Victoria, maybe the Northern Territory, maybe Western Australia? I do not know.

**Ms Millen:** I would say that the most communication we have had with another state has been with New South Wales. We have had some interactions with Queanbeyan, for instance, just over the border. We have had some interactions with other organisations and how their justice plans and strategies are working and what sorts of training development programs or policies will best enable the ACT [*Interruption in sound recording—*], but as for other jurisdictions, not as much. Everybody has their own disability justice strategy planning and for us it is more of an observational [*Interruption in sound recording—*] what we can make better in the ACT for people with disability. I would like to say yes, but realistically—

**MS CODY:** Finally—I note the time—I have, hopefully, a really quick question.

**THE CHAIR:** It is all right; we have time.

**MS CODY:** Have you been involved with, had a look at, or worked with the ACT Policing futures program? I think that is what it is called.

**Ms Millen:** No. I have heard of it. I will have to take that one on notice.

**MS CODY:** It is called the ACT Policing futures program and it is about support, investment and ensuring that ACT Policing is ready to deliver a sustainable, efficient and effective policing service to meet the current and long-term needs of the community. That could be somewhere that you guys might interact. I do not know.

**Ms Millen:** I have heard of it, but we have not interacted with it.

**MS CODY:** Okay.

**Ms Millen:** It has been broader, and it has not really been open to community consultation as much. So we have not had input, but most of the [*Interruption in sound recording—*] that I am assuming that they would also be working with would be the ACT government—specifically the Office for Disability—around the disability justice strategy, in particular, and how best [*Interruption in sound recording—*] We do welcome them if they approach us, certainly, but we have not had any direct interaction with regard to that specific program.

**MS CODY:** Okay.

**MR GUPTA:** Chair, could I ask a question?

**THE CHAIR:** Yes, please do. We have until a quarter past, so there is still time.

**MR GUPTA:** Okay. What about the funding? What funding model do you have, and do you receive adequate funding from the ACT government or other sources to keep your training ongoing and to provide [*Interruption in sound recording—*]

**Ms Millen:** Our individual advocacy funding is funded through the ACT government. We received a bucket of funding for our advocacy to support people specifically in the ACT to provide individual advocacy. Our systemic funding is national funding, so we receive our funding for policy work through the Department of Social Services. Yes, so they work in conjunction with them. Our training packages can either come through the ACT government or ILC funding—individual learning capacity funding through the NDIS or the NDIA. So we receive buckets of funding from numerous sources.

**MR GUPTA:** Okay. That is good.

**Ms Millen:** Yes.

**THE CHAIR:** Okay, fantastic. Ms Cody, do you have any other questions that you are burning to ask?

**MS CODY:** No, thank you.

**THE CHAIR:** Bonnie, thank you so much. We have really benefited from that, and I have written down a whole lot of possible recommendations. Thank you so much for coming. It is very much a hot topic at the moment. It is giving police all the information that they need to be able to respectfully do their jobs. The fact that there is some training on the way is really encouraging for us, and, I am sure, for them too. Thank you so much for all you are doing, and we will give you an early mark.

**Ms Millen:** Thank you all for having me. I have really appreciated it.

**THE CHAIR:** Fantastic. I will suspend the hearing.

**Short suspension.**

**HINCHCLIFFE, MS JAALA**, Integrity Commissioner, Australian Commission for Law Enforcement Integrity

**THE CHAIR:** On behalf of the committee, I now welcome Ms Jaala Hinchcliffe as a witness. Jaala is the Integrity Commissioner with ACLEI, which is the Australian Commission for Law Enforcement Integrity, the body that oversees, let us say, serious complaints against AFP personnel and so on. I remind you of the protections and obligations entitled by parliamentary privilege set out in the form emailed to you. Could you confirm for the record that you understand the privilege implications of the statement?

**Ms Hinchcliffe:** Yes, I do.

**THE CHAIR:** Do you have any statement that you want to make before we get going?

**Ms Hinchcliffe:** I just have a very short opening statement, if that is all right with the committee?

**THE CHAIR:** Yes.

**Ms Hinchcliffe:** First, I want to apologise that I cannot be with you on video and I am on the phone instead. Thank you for enabling that. Thank you for inviting me to appear today. This is my first time appearing before this committee as the Integrity Commissioner. I have just passed four months as the Integrity Commissioner, although I have appeared before some of you previously in my previous role as the Deputy Commonwealth and ACT Ombudsman.

ACLEI is part of the oversight framework for the AFP and ACT Policing, along with other agencies such as the Commonwealth and ACT Ombudsman. I have sent to you a two-page handout just to explain briefly the role of ACLEI. It is just a little cheat sheet and a help for the committee. Our particular oversight function is in relation to allegations of corrupt conduct and, under my act, the Law Enforcement Integrity Commissioner Act, a partnership is established between me and the AFP Commissioner to investigate corruption allegations relating to ACT Policing. That partnership requires me to concentrate on investigating serious and systemic corruption allegations and it enables me to refer corruption allegations to the AFP Commissioner, as the agency head, to be investigated, with a report provided back to me on completion of his investigation.

The submission that I provided to you attempts to provide you with an overview of our role in relation to ACT Policing and the types of issues that are referred to us in relation to them. I am conscious that the submission does not provide you with, necessarily, the granularity of data that I would like to provide you with. I have recently implemented a change to that data recording to ensure that we can provide you and committees such as this one with a more granular reporting of ACT Policing matters into the future.

Finally, I look forward to working with this committee over the next five years of my term as the Integrity Commissioner.

**THE CHAIR:** Thank you so much for that introduction. That was really helpful. I cannot tell you how happy I was when I saw that there were some actual stats in your submission. Ms Cody and I both sat on the committee that was trying to work out whether we should put ACT Policing under the supervision of our own integrity body. One of the reasons that that was recommended was that there was literally no information given to our other committees. I commend you for taking steps to make the information about the investigations you do clearer and able to be presented to groups such as ours. In the case of that last situation, there was not much choice really because we could not satisfy ourselves that the job was being done.

As far as the policing agreement between the ACT and the federal minister who looks over the AFP is concerned, which is really where we are trying to go with this business, one of the reasons that people seemed to be quite interested was that the recommendation was made that the police who serve us in the ACT fall under our Integrity Commission but, because of structural reasons, that has not been able to occur; and the federal government was not too keen.

Can you give us some feedback about your first blink in those four months as to how you are going? I suppose every agency head might say, “We are going well,” but, clearly, you have implemented some changes and you give the ACT voter more of a sense of how seriously things are taken.

What is defined as serious and systemic? Does it have to be both serious and systemic or can it just be serious? How long do your investigations tend to take? Do you feel like you have got all the tools you need to do it well, and are there any actions ever against corrupt officers?

**Ms Hinchcliffe:** I will start answering that—and tell me if I miss some parts of it—by saying that under my act I have significant powers and I am not looking for any additional powers. I have powers under my act to conduct search warrants; to hold hearings, both in public and in private; to issue notices; and to require the production of documents and information. I also have powers under a number of other commonwealth acts in relation to telecommunication intercepts, telecommunication data, surveillance devices and controlled operations. I have a full suite of law enforcement powers. I sit as both an oversight body and a very small law enforcement body, as well; and I have investigators and investigation tools to conduct those investigations.

In terms of how long an investigation takes, of course that depends on the matter—and different matters take different lengths of time—but what had been implemented in ACLEI just before I arrived, in fact, had been a process for a 90-day review of investigations. At the moment our directors of investigations review the investigation—where it is up to, whether it needs to continue or whether it needs to be closed at that stage because there is actually no avenue for us to further investigate. It then goes to another 90-day review stage and we look to having them closed off as soon as we can, noting that an investigation that is completed in a timely fashion is an important law enforcement tool, really, to get investigations done quickly and well and to the point where you finalise the investigation or there is no further investigation that you can do.

**THE CHAIR:** If you were asked how many investigations were done into ACT police officers in the last 12 months and over the previous years, could you say how many that was? Are any of those statistics available?

**Ms Hinchcliffe:** I can let you know how many ACT Policing matters we have received so far this financial year, if that is useful. 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 matters 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.

**THE CHAIR:** Disciplinary matters, yes.

**Ms Hinchcliffe:** 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.

**THE CHAIR:** On notice, can you give us those statistics for, say, the last three years?

**Ms Hinchcliffe:** I can try very hard to provide that to you.

**THE CHAIR:** Let us know what you are able to find.

**Ms Hinchcliffe:** I will let you know what I can provide.

**THE CHAIR:** The other thing that I wondered—just in the same vein and that will be the end of my questions—is: do you report to the ACT minister for policing in any way, shape or form? Is there any report that you do that is tabled in a parliament, be it ACT or federal?

**Ms Hinchcliffe:** I have an annual report. It is tabled in the commonwealth parliament each year. One of my predecessors provided reports to the ACT minister in relation to a very particular investigation because there was—

**THE CHAIR:** On a case-by-case basis?

**Ms Hinchcliffe:** On a case-by-case basis. I am interested in exploring, and have had an initial conversation with the ACT minister for policing and justice, what reporting it would be useful to do. As part of that conversation, I can also have a conversation with him about what kind of reporting might be useful for him to then be able to table in the Assembly.

**THE CHAIR:** And whether, in fact, something is tabled on a regular basis about those investigations? The fact is that the parliament has no view of what is being done

and we have to set up a specific mechanism like this to officially have information come from you. It would be so much better for the community here to be able to see that in a regularised fashion. We might make some recommendations. Is there any legislative change that would be required for a document from your body to be tabled in the ACT Legislative Assembly?

**Ms Hinchcliffe:** I do not think so. Why don't I take that on notice to have a quick look? I have got some broad powers about releasing information to the public and it may be that I can have a look at how that is done—and then a mechanism for that to be tabled. I am happy to look at that.

**THE CHAIR:** It might even be something that we can recommend. Perhaps you could also have a look at how our Integrity Commission reports to the ACT parliament and if there could be any kind of alignment between your body and theirs? Then that would effectively cover off this area of ACT Policing in the totality with what we have done with our Integrity Commission.

**Ms Hinchcliffe:** Yes, happy to have a look at that. I am also conscious, from my previous experience with the Ombudsman, of the regular report that the Ombudsman does to the Assembly as well. I will bear that in mind as well.

**THE CHAIR:** It is not a new concept to you at ACLEI. I just do not think anyone has ever really thought too deeply about it; but I think that there is a bit of a gap.

**Ms Hinchcliffe:** Hopefully; and transparency is really important.

**THE CHAIR:** Absolutely, yes. In fact, we owe it to the people of the ACT to make sure that they know that complaints against police officers are being taken seriously in the ACT and that there are proper responses when those things are raised.

**MS CODY:** I am not going to say anything much different to what Mrs Jones has raised with you. I guess that it is pointing back to our Integrity Commission not necessarily having oversight over what is happening in its own backyard and how ACLEI are going to interact with the Integrity Commission, which I think you have basically covered off. I was not sure if there was anything else you wanted to add.

**Ms Hinchcliffe:** 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.

**MS CODY:** I guess that the only other thing that I want to raise is that you cannot

look at the AFP as a whole. I note that in the submission that you provided to us you broke down and pulled out some of the statistics for us to see that. I know that you have undertaken to try and report to the Assembly, but how is all that going to work? If you have got the ACT Integrity Commission looking at what we are doing in the ACT but it is unable to look at what ACT Policing is doing, how is that interaction actually going to work in practice?

**THE CHAIR:** Is there anything we need to change? Is there anything about our system that needs to change to make that smooth or possible?

**Ms Hinchcliffe:** I am not aware of anything that needs to change to make that possible. As I have said, I think that we have a really good working relationship with the ACT Integrity Commission. We will continue to work with them. If there is anything that I become aware of while this inquiry is being undertaken, I will make sure that I bring that to your attention.

**THE CHAIR:** Is there a mechanism for inter-referrals between the two bodies, if something is brought to you which really belongs here or which is brought there that really belongs to you?

**Ms Hinchcliffe:** There is a process for the ACT Integrity Commission to send things through to us if they more properly belong to us. I need to think about how that works under my act.

**THE CHAIR:** Do you want to take that on notice?

**Ms Hinchcliffe:** Yes, I will take that little bit; but definitely the ACT Integrity Commission can send things to us. Let me just think about how that works going back the other way.

**THE CHAIR:** One of the things that we discussed in the integrity set-up committee, when it first started, was this idea of the no wrong door, so that every issue, if it is of a serious nature, can get investigated. I want to go back to a part of my question at the beginning about the definition that you use for serious and systemic. Does a matter have to be serious and systemic for you to look at it, or just serious?

**Ms Hinchcliffe:** No, it is serious or systemic. Serious is defined under my act as a matter which relates to a criminal offence, which, if you are charged, could have a term of imprisonment of 12 months or more.

**THE CHAIR:** Unlike our integrity body, which can actually look at things that are not quite criminal?

**MS CODY:** That was going to be my next question.

**Ms Hinchcliffe:** My act has quite a broad definition of corruption as well.

**THE CHAIR:** But it has to, possibly, lead to an offence?

**Ms Hinchcliffe:** The definition of serious relates to an offence. The definition of

corrupt conduct is not related to an offence. The act tells me that I need to concentrate on serious or systemic matters, and the definition of serious then links to that decision about that matter.

**THE CHAIR:** You could have almost serious stuff which goes back to the AFP Commissioner to deal with and then you will get a report back—is that correct?—on that at the end?

**Ms Hinchcliffe:** That is correct.

**THE CHAIR:** Then you determine whether you are satisfied with the investigation that has been undertaken or do you simply have to accept what has been done?

**Ms Hinchcliffe:** No; I have a provision that if I have any concerns about the investigation, I can then raise those with the agency head and seek their comments on those concerns.

**THE CHAIR:** Does that end up as written correspondence between the two of you or is that just verbal conversations?

**Ms Hinchcliffe:** Written correspondence.

**THE CHAIR:** Then there is a paper trail. Is that paper trail able to be FOI'd from the ACT Assembly or only from the federal parliament?

**Ms Hinchcliffe:** I would have to have a look at the application of the FOI Act on those provisions.

**THE CHAIR:** Would you mind doing that because, again, one of the key points for our Integrity Commission, when it was set up, was this idea that something does not actually have to quite meet the criminal mark—and there are reasons why that was decided—and if your body does not deal with that but the commissioner does. If you are dissatisfied with what the commissioner has done or you do not feel it has been done properly then we need to know that there is some recourse or method for the Assembly to find out about those matters and to deal with them or to have an opinion, or to then potentially look at more reform in this space, to the extent that we can.

**Ms Hinchcliffe:** I will take that on notice. What I might do is put together for you a bit of a document that also sets out how those provisions work together in my act.

**THE CHAIR:** There is also a question about the reporting that goes to the minister and that goes to the Assembly. If there are matters that are taken through the commissioner, rather than through your body, because they do not meet that criminal standard, then can those matters be included in the appropriate way in such a report so that we can see the closing of the loop? “Matter 354 has gone off to the commissioner. It has not yet come back, and it is 12 months later.” We would like to have, I am sure, at the Assembly the ability to see the loop closed on those matters.

**Ms Hinchcliffe:** Of course; and having a feedback loop like that is really important. Yes, I can have a look at how we can provide you with that sort of information.

**THE CHAIR:** If we need to recommend changes to how our system works, that is what we are here for. Let us know.

**Ms Hinchcliffe:** Indeed.

**MR GUPTA:** I asked someone else regarding some of their communications. In your submission you said that unauthorised disclosure of information is around 43 per cent in ACT Policing. From a multicultural point of view, as we were talking earlier, there are a fair few people whose voices are not heard most of the time, and they have a bit of a fear of going to the police and with triple zero or the 131 444 number. Do you have data there, do you think, or screening that has been done that some of those people of those backgrounds have not been heard properly or there have been complaints such that you have any kind of number that such information has not been passed on?

**Ms Hinchcliffe:** Sorry, just let me make sure that I have got the question right there. This is in relation to the unauthorised disclosure of information and whether or not I have data about those phone numbers that have not been used properly?

**MR GUPTA:** Yes, that is right.

**Ms Hinchcliffe:** I do not have that level of detail in the data that I have. I am really sorry. I am keen to get some more granularity to this data, but at the moment I do not quite have it.

**THE CHAIR:** Maybe it is something that we can recommend, that it be something for the future, so that we can track the improvement in this type of communication?

**MR GUPTA:** Definitely.

**Ms Hinchcliffe:** I am very happy for you to make recommendations about the type of data or reporting that you would like or that the Assembly would like from me. I think that that would be particularly helpful. I may not be able to provide it all, depending on how our systems work, but I think that that conversation is a really important conversation.

**THE CHAIR:** At the beginning, I was asking about you having been in this role for four months and, obviously, having to be professional and on song, but what are your first impressions of the way that the organisation is working? Do you intend to make significant change, or do you feel that it is fulfilling its obligations or that there are gaps at all?

**Ms Hinchcliffe:** In relation to my organisation or in relation to ACT Policing?

**THE CHAIR:** Your organisation as it works with ACT Policing. It is not my place to ask you about it as a whole, but feel free to elaborate.

**Ms Hinchcliffe:** What I was talking about in my opening statement, really, was the fact that I can see that, because we are a commonwealth agency, in the past, at times,

we have seen the AFP as one body. It is important to be able to pull out the work that we are doing, particularly in relation to ACT Policing, and to be able to provide visibility and transparency to the ACT community. That is really my focus in relation to creating some changes in my organisation. It is about starting with equality and about being able to record it in a way that we can pull it out so that you can have some level of assurance about the work that we are doing in this space and so that we can have really engaging conversations about what is being seen and an assurance that we are doing our job.

**THE CHAIR:** We will not keep you here just for the fun of it, as much as we love talking to you. I think that we have really gone straight to the heart of the things that are concerning us. We really look forward to some answers to those questions on notice from you. We have asked for answers five days from when you get the transcript. That will be a little while from now. If you have any issues with that time frame, please let us know.

We are very grateful to you for coming. It is a very refreshing thing to hear, as an ACT MLA who has been involved in this space for a little while, that someone is going to work on getting us that data and keeping us in the loop, because it will make a huge difference to our visibility of what is going on and our confidence that our problems in ACT Policing are dealt with and are dealt with at the appropriate level.

**Ms Hinchcliffe:** Thank you for having me.

**THE CHAIR:** At this point, before I close the public hearing, I have mentioned that questions taken on notice have to be provided to the committee office within five business days after the receipt of the proof *Hansard*, day one being the first business day after the proof *Hansard* is sent to witnesses by the committee office. On behalf of the committee, I thank you all for attending today. When available, a proof transcript will be forwarded to all witnesses to provide an opportunity to check the transcript and suggest any corrections.

The committee's next hearing on this reference is at 3 pm on 23 June. I close the hearing.

**The committee adjourned at 4.36 pm.**