



**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, 23 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.

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*Amended 20 May 2013*

**The committee met at 3.02 pm.**

**WATCHIRS, DR HELEN OAM**, President of the Commission and Human Rights Commissioner, ACT Human Rights Commission, Justice and Community Safety Directorate

**TOOHEY, MS KAREN**, Commissioner, Discrimination, Disability, Health and Community Services Commissioner, ACT Human Rights Commission, Justice and Community Safety Directorate

**YATES, MS HEIDI**, Victims of Crime Commissioner, Victim Support ACT, ACT Human Rights Commission, Justice and Community Safety Directorate

**THE CHAIR:** Good afternoon, and welcome. I declare open today's session of this online, streamed public hearing of the Standing Committee on Justice and Community Safety. This is the second hearing of the committee's evaluation of current policing arrangements. On behalf of the committee, in advance of their appearance, I thank all witnesses who will appear today. The initial discussion today will be with representatives of the Human Rights Commission. The proceedings are being recorded by Hansard for transcription purposes, and webstreamed and broadcast live.

Before commencing, I will mention a few matters regarding the committee's questions. If any questions are taken on notice, we will need the answers within five business days after the proof *Hansard* is available. If you are having any issues with that, let us know. Dr Watchirs, do you have an opening statement to make?

**Dr Watchirs:** Yes, I do have an opening statement. Thank you for the opportunity to speak to you today. We certainly see community policing as a valuable mechanism for upholding the human rights of Canberrans. We have experienced a constructive relationship with police and have worked proactively together, particularly on legislative reform and policy. We appreciate the early consultation that has happened on a number of occasions. We have provided training; most recently twice, to the executive in 2017 and to the legal and policy team in 2019.

In our submission we referred to our preference regarding the way the Human Rights Act should apply is that police powers be exercised under ACT law rather than federal criminal provisions. In that way the Human Rights Act comes into force.

We have given two case studies in the submission. One relates to tasers. That relates to the commissioner's order on operational safety. That is a federal provision but it is executed in the ACT with regard to Canberrans. The other is in relation to body-worn cameras. That is an act in progress at the moment because there is a draft document in relation to that.

We recommend that the Human Rights Act be given a power to receive and deal with complaints. This was a recommendation of the Law Reform Advisory Council two years ago. We have not yet seen a government response to that but we would like to see that.

We understand that the Integrity Commission does not have power over the ACT police. Our submission talks about our belief that discrimination complaints would benefit from having a conciliation process. Commissioner Karen Toohey can speak to

that. Our Victims of Crime Commissioner, Heidi Yates, can talk about sexual assault in relation to victims, diverse clients, family violence orders and the need for data collection and reporting.

**THE CHAIR:** Before we go to questions, I need to make sure that you have seen the statement on the protections afforded by parliamentary privilege that has been emailed to you. Can you all confirm for the record that you understand the privilege implications of the statement?

**Dr Watchirs:** Yes.

**Ms Toohey:** Yes.

**Ms Yates:** Yes.

**THE CHAIR:** Thank you very much. I will open the questioning by going back to a point that you made about complaints. Certainly, in my time in the Assembly—I think it will be the same for many members of the Assembly—people come to us with complaints about police, and they should be properly investigated. We have obviously had our own frustrations in the Assembly with our inability to include the local police in the ICAC, as you mentioned. We have already heard from ACLEI, from their own integrity body, which has responsibility for the AFP, amongst other groups. If there was a complaints process, Dr Watchirs, how would that function, in your view, or how could that function? What sort of outcomes could be found for people with complaints about police treatment in the ACT?

**Dr Watchirs:** I would like to refer that to Commissioner Karen Toohey, who handles complaints for the commission.

**Ms Toohey:** It has certainly been identified to us by the Canberra community that there is a gap, in that they cannot bring those complaints to us, to the organisation that they are used to bringing complaints to and that has a resolution focus. We have certainly met with police a number of times and have talked to them about the potential for coverage under the Discrimination Act that would enable us to handle the complaint. As you are aware, most of our focus is on trying to resolve those matters, so it would give us a local opportunity to try and achieve those outcomes.

We also know that there would be some advantage in having visibility on the types of issues so that we could use our systemic powers, our own motion investigation powers, to look at whether there are systemic issues between the police and the ACT community—for example, issues that have been raised with us by the Aboriginal community and issues raised by people with a disability about how some of their issues are dealt with by police.

There would be significant benefits in extending the existing Discrimination Act coverage to police. We think that there are mechanisms available to do that and we have outlined those in the submission. Certainly, it is an exposure that the community is aware of, in that we are the only community that does not have a local discrimination law that applies to our police.

**THE CHAIR:** Obviously, these are hot topics at the moment. People expect local government, or government at the state level, to do what is required to provide an appropriate law enforcement service while also treating people with respect, understanding their background and being aware of those matters. Have your conversations so far with ACT Policing about having that kind of capacity been positive?

**Ms Toohey:** Yes, they certainly have been. As Dr Watchirs mentioned, we have a very good working relationship with the police across a range of areas. Unfortunately, this is an area where we have some exposure because, while we get reports of issues—and we are not saying it is pervasive, but we are certainly saying that we do get reports—the only option we have at the moment, certainly in the discrimination law space, is to either refer them to the federal Human Rights Commission, who does not have the same local presence or, in some circumstances, refer them to the Ombudsman, who does not have the same local resolution and conciliation function. It is certainly a gap and, as you noted, it is a hot topic at the moment.

**THE CHAIR:** Has there been any discussion with the government about this? Have you put it in any budget submissions or tried to raise it as a point of conversation with the minister?

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

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

**THE CHAIR:** Yes. It is not necessarily a reflection on a problem with goodwill; people need a lot of information to be able to do these things properly, I guess. If there is no feedback loop then how do you improve your service?

**Ms Toohey:** The commission is in the fortunate position of bringing a particular lens to those issues, both through the Human Rights Act and through the Discrimination Act. Again, there is a range of areas that we see. People do not recognise racism, for example, or they do not recognise that the approaches they are taking do have a disadvantageous effect on particular groups in our community.

Those links between what is being called predictive policing—we have certainly seen those discussions in Victoria and New South Wales—and incarceration rates, particularly for vulnerable groups in our community, are very topical. Unfortunately, in the ACT we do not know what the extent of that is here. Equally, in the absence of a local complaint-handling function, we do not have that ability to have that discussion openly with the police.

**THE CHAIR:** I presume that statistics of the numbers of complaints and what the resolutions are, without identifying people, would be able to be tabled in the Assembly as well. It is something that we talked about in our last hearing: we do not have much visibility of the complaints that are made internally or to ACLEI about police, and whether they get resolved. Anecdotally, people are certainly frustrated with some of those processes. It is quite hard to act on behalf of the voter without information. I can imagine that that would be a real positive for the Assembly as well, in representing the community.

Before I hand over to Mr Gupta, Ms Toohey, can you please give us an example, from your experience? Obviously, depersonalise it, but what type of things in your other experience have been able to be resolved and how were they resolved? For people listening, some people do not really understand these processes with regard to how it could work with police.

**Ms Toohey:** Certainly, police, as you know, are often engaging with people at a time when they are fraught. There are certainly issues that I have dealt with in other jurisdictions around communication, around the responsiveness. We have seen some cases in New South Wales, for example, about delays in responding to calls from Aboriginal community members or people with foreign names, if I can put it that way. There is some case law in that space. There is a wide opportunity for people to use our sorts of processes to try and get those issues on the table.

With the responses around those, as you know, training is often an outcome. Policy change is a big one. Equally, as we see in conciliation, it is that reflective experience of the police or the agency hearing what the person's individual experience was and understanding the impact they have had. It is not just about the impact on the individual; it is often about the impact on a community. Most recently, as you know, we have had further discourse around the African community in Victoria and, particularly, the deleterious effect that the policing approach there has had on that community and their willingness to engage with police and their willingness to go to work, to go to school and to engage more broadly with the community.

**THE CHAIR:** They have to feel safe themselves.

**Ms Toohey:** Yes, exactly. It then lends itself to a narrative that plays out in the media and those sorts of things. It has a very destructive effect on particular parts of our community. A broader way that we need to think about it is that it is not just about an individual complaint but about how it assists with that service reflecting back on how it goes about its business and how it goes about protecting the community rather than policing the community.

**THE CHAIR:** Mr Gupta, at our last hearing, talked a bit about the experience of people in his electorate. I am sure you have other questions, Mr Gupta, but do you want to ask about that as well?

**MR GUPTA:** Yes, definitely. I will carry on from the question that you just asked. How would you rate ACT Policing as a force, particularly with this recent COVID-19 issue, its approach to the protest, and with its engagement being a bit different? How

would you rate other jurisdictions against ACT Policing? What areas of improvement are there? Would that involve training or understanding of culture? Would you like to discuss that?

**Ms Toohey:** Having not been at the pointy end of the ACT police during the COVID experience, I can only talk about what we have heard. As we know, generally, there has been a positive experience, as we understand it, in that the police have taken a very educative approach. We have not seen the same level of fines being issued, at least until recently, that we have seen in other jurisdictions. Again, it is about that notion of police using an educative approach to assist the community to understand the importance of compliance. Obviously, that has been very successful in the ACT.

Personally, I cannot speak for some of the other jurisdictions, other than regarding some of the reports that we have seen, both in the media and personally, where there has been a more heavy-handed approach to things. As we know, in some of the other jurisdictions, particular communities may have been targeted, through either reporting or through the police targeting them, or they have been targeted because they do not have information in an accessible form.

There is a whole range of ways that we have seen the pandemic play out in that relationship between government and the community. Certainly, in the ACT there has been a good job done—and we have said this a number of times—in using that educative response rather than using a punitive approach. I do not know whether my colleagues want to comment any further.

**Dr Watchirs:** Certainly, we met with Neil Gaughan recently and said that we were happy with the approach that they were taking to not issuing fines and having compliance checks; that seemed to be much more effective than had been the case in other jurisdictions.

In relation to our wanting to have discrimination complaints and human rights complaints, we are aware that there are allegations of unconscious bias and that, by having data on complaints openly available and by having the ability for people to come to an external agency like us that is independent, it would reassure the community more and it would improve the service, particularly when moving to a community-based service that is more preventive-focused, and focused on diverting people and preventing recidivism.

**MR GUPTA:** At the last hearing we discussed multiculturalism, especially in my electorate. How diverse is the ACT police force? Do we have people with an ethnic background who understand the culture? Apart from training, is there in-house knowledge that is applied when dealing with people from different backgrounds?

**Ms Yates:** I have sat on panels with senior ACT Policing officers where they have been quite frank about the fact that they do not have the diversity of cultural backgrounds across their staff team that they would like, and about steps they have taken to try and improve that diversity.

From where I sit, we see that play out in terms of community members raising concerns with my office. They feel that, with the police response to them when

reporting a crime or when police have attended an incident, they do not understand the cultural dimensions of what has gone on or they misinterpret the way that someone is communicating or responding as meaning, for example, that they are not a credible witness or are not telling the truth, whereas, in fact, there may be language barriers or cultural barriers which are part of the picture there.

**MR GUPTA:** How does your experience with ACT Policing compare with your experience with other directorates in the ACT government? When complaints come to you and you go to the police, what has been your experience? How influential has your organisation been in trying to resolve these issues?

**Ms Toohey:** At the moment, as we have said, we do not have jurisdiction with police. Certainly, we do get complaints about some ACT agencies. I think we have a delay—

**THE CHAIR:** We can hear you fine.

**MR GUPTA:** Yes, we can hear you.

**Ms Toohey:** I am sorry, Mr Gupta; I thought you were asking an additional question. There was a delay with the feed. Currently, we do not have a formal mechanism for complaints through the commission about police. We deal with them informally quite a lot, and they are very responsive and receptive to those approaches.

We do some work with them through their SupportLink function, where they refer people to us who have other types of problems. For example, with disability abuse or abuse of older people—those sorts of disputes come to us. We have a complaint mechanism that covers all ACT government agencies, and we find that the ACT government is a very willing participant in conciliation processes. Obviously, it would be poor form if they were not, so that is very encouraging.

Equally, part of our responsibility is to make sure that the process is well known and accessible to people. That has been very much the focus of the last couple of years of our work—making sure that people have confidence in the process, in bringing those matters forward, and in us being very focused on resolving them, rather than taking a black letter law approach to them.

**MR GUPTA:** With the current climate, it is a big gap.

**Ms Toohey:** It is a very big gap. As we have said, there are other mechanisms. We know, for example, that the federal Human Rights Commission reports very few complaints coming from the ACT about the ACT police. We feel that that it is an area that there should be movement on. Again, we have a good relationship with police. We feel that they would be very comfortable with being involved in the conciliation process. Certainly, in my experience in other jurisdictions, police have found that to be very beneficial, to be able to come to a commission in a conciliation process and have a confidential discussion. Equally, it is about taking that information away and taking that individual's experience away and feeding that back into the broader cultural work that we know a police force must keep doing in order to maintain their confidence in the community.

**THE CHAIR:** That is obviously something that we can work on recommending out of this committee's hearings. That is something that is really positive that we are glad you have raised.

On page 11 of your submission, the last page, you talk about the adequacy of data collection. Certainly, in my time in the Assembly, I have had some frustrations in this space with regards to the ACT police. It is not that anyone doubts that they are working very hard. Talk to us a bit about the type of data where you think it would be useful for the community and for us to be able to see improvements in transparency, as well as the cultural sensitivities amongst police.

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

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

**THE CHAIR:** How do you get around the concerns people have about racial profiling and so on? I have been asked in the past about whether I support the idea of people being categorised like that, once they are being dealt with by police. I guess you are saying there has to be a certain amount of that internally, at least, so that you can analyse what is going on. What is your recommendation in that space?

**Ms Toohey:** Unfortunately, I have been involved in these discussions for some years across a number of jurisdictions. The fact is that when you hear a police report, you often hear them say that it is a Caucasian person or a person of African origin; so they are collecting something for their own purposes. It would be helpful if we can find some middle ground. I am the last person to agree with stereotypes, but the fact is that the collection of that data—and we have seen that in the UK and other jurisdictions—is very helpful in identifying unhelpful trends in the policing approach to community. At the end of the day, we know from our incarceration rates that there are certain groups in our community that are over-represented in the detention facilities that we have here. The link between that and those profiles around policing—

**THE CHAIR:** Interaction, yes.

**Ms Toohey:** Yes, they are interacting with particular parts of our community a lot more than they are with other parts of the community, even though they are a very small percentage of the community. I think that there is a middle ground; we would be very happy to work with them on what that might look like. I think it is very

important that it is an ACT police approach rather than an AFP approach. We understand the issues around that, but the ACT community has a right to understand how it is being policed and to have some transparency around that.

**THE CHAIR:** One of the topics that we have discussed in previous hearings, and certainly amongst ourselves on the committee, is the separation between the ACT police and the AFP more broadly. It has been brought to my attention by various people over the years that the training, to my understanding, is provided by the federal government for all AFP. As a result, we do not necessarily have a very simple division of who is ACT Policing and who is federal. There is a fair amount of fluidity as people cross from one to the other. Do you have any reflections on that? Certainly, I would love to see a way that that separation was very clear, from my perspective, so that we can work with that cohort to create what we need for the ACT.

I also think about the mental health of first responders, and our police are one of our major first responders. How do we improve their situation on the ground when we do not own that force, essentially? Do you have any recommendations or suggestions in that space for achieving that separation in a healthy way?

**Ms Yates:** I welcome the opportunity to talk about the importance of ACT-specific data in another context, which relates to sexual assault. With respect to your point about being able to monitor and regulate what is happening on the ground in the ACT, you must, as an Assembly, have access to that data, and so must the community, to know what is actually going on.

One of the other concerns is the churn that we see between ACT Policing and the AFP, and the extent to which that limits the capacity for us to build strong working relationships in areas of policing, particularly around community engagement, that rely on that good faith and rapport being built and maintained over time. That is broken at points where senior leadership is churning, often more than once a year. Can I talk briefly about data in the context of sexual assaults, for example?

**THE CHAIR:** We are happy to hear about data in the context of sexual assault.

**Ms Yates:** The data that we have tells us that there has been a huge increase, around 47 per cent, in the number of sexual assault complaints brought to ACT Policing in the last five years. You may have also seen the reporting through the ABC in January which, very concerningly, indicated a massive overall decrease in the number of sexual assault matters where legal action is taken—a drop from 50 per cent of matters going ahead in 1998 to only 17 per cent of matters in 2017.

**THE CHAIR:** That is the percentage of the total number of matters being reported?

**Ms Yates:** Yes, a percentage of the number of matters where legal action is taken, following a report. I think that the ACT community would be shocked to hear that the ACT police are only half as likely as Victorian police, and less than four times as likely as Tasmanian police, to finalise sexual assault matters by arrest or legal action.

**THE CHAIR:** What was the reflection with Tasmania—they are four times more likely, or we are?

**Ms Yates:** The ACT police are four times less likely than Tasmanian police to finalise a sexual assault case with an arrest or legal action.

**THE CHAIR:** That is really important data for us to hear. Do we have any idea why?

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

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

**THE CHAIR:** It is astounding, isn't it, that in this day and age data cannot be searched? It seems there is not a plan to fix that.

**Ms Yates:** Not in the ACT, despite that being common practice in most other Australian jurisdictions, and that is of concern to us.

**THE CHAIR:** Perhaps, again, the thing that we are talking about here, in a way, is that process of negotiation every few years between the ACT minister for police, the AFP and the federal minister for the AFP to create this agreement, which seems to, perhaps, go over the same ground over and over again, rather than new things. Part of why we are here is to make recommendations in this space and, hopefully, see them implemented. Without judging the police, who have a tough job to do—there is no doubt about that—you cannot improve anything if you do not know what is causing it.

**Ms Yates:** That is right; that is crucial.

**THE CHAIR:** Absolutely. Mr Gupta, do you have any further questions?

**MR GUPTA:** Yes, a small one. Federal discrimination law does not apply to ACT Policing; is that right?

**Ms Toohey:** No, the local ACT discrimination law does not apply to the ACT police as it stands at the moment. We are of the view that there is a mechanism to do that. Again, we have addressed that in our submission. They are covered by the Australian Human Rights Commission discrimination laws because they are part of the AFP. Unfortunately, we do not have a lot of visibility over the sorts of matters that go to the federal commission. The community feedback is that, because the federal commission are not local, there is a barrier to people engaging with them. That is not a criticism of the commission by any means; it is just acknowledging that people in the ACT

community are used to coming to our door or picking up the phone and calling us.

**THE CHAIR:** That is right.

**Ms Toohey:** When passing people on to another organisation, people tend to drop off. We would be much happier if we had that local coverage. As we have said, certainly in our preliminary discussions with the ACT police, they understand the benefit of a local resolution-focused complaint mechanism that would enable us to bring them to the table, to at least talk to them about the concerns that the community have identified.

**MR GUPTA:** With the data that you receive, do you think that it is genuine data, considering that there is no legislation on them to report on?

**Ms Toohey:** We have to rely, essentially, on informal reports that we get. We do get calls from community members because the expectation is that we would be able to deal with those matters. We do get calls and, as I said earlier, certainly the Aboriginal community and members of the community who have a disability contact us, and older people. We certainly get calls about communication issues with them, and responsiveness. We deal with those matters, at the moment, informally rather than being able to deal with them through a conciliation process.

There are some matters that we refer to the Ombudsman. The issue with the Ombudsman—again, this is no criticism of my colleagues in the Ombudsman’s office—is that they are not a conciliation-focused service provider in the same way that we are. We do have demand from community to try and get those functions and powers in to the commission, on the basis that they see that the police should be accountable both under the Discrimination Act and under the Human Rights Act.

**THE CHAIR:** We are out of time. I would be happy to sit here and talk to you about this for another hour and a half.

**Ms Toohey:** We have a lot to say.

**THE CHAIR:** I hope that there is more opportunity to hear it. It is obviously something that people want to know we are working on and improving, as time goes forward. Hopefully, the committee report that we come up with will be the beginning of something much better for people in this space. Thanks very much to all of you for appearing today. If there is anything you want to add, let us know.

**HYDE, MR GLEN**, Chair, Belconnen Community Council

**THE CHAIR:** I welcome Mr Glen Hyde, from the Belconnen Community Council. Before we begin, can I remind you of the protections and obligations afforded by parliamentary privilege, as set out in the form that was emailed to you? Can I confirm for the record that you understand the implications of the statement?

**Mr Hyde:** I do understand them; thank you.

**THE CHAIR:** Before we go to questions, do you have any opening remarks that you would like to make?

**Mr Hyde:** Absolutely. Thank you for the opportunity to talk to you this afternoon. We have gone through some unprecedented times. I am sure that word has been overused enormously lately. The impact that COVID has had, after bushfires, has been quite significant for our district, as it has been right up and down the eastern seaboard. We were keen to revisit our submission, particularly after the effects of COVID, and noting the difficulty for ACT Policing during the last 11 weeks, but there is really not a lot that we would like to change. Based on the very obvious flexibilities that ACT Policing have been able to make around COVID, I think that everything that we put in our submission still rings true.

**THE CHAIR:** I want to ask about a couple of things on page 3 of your submission. I will start with Kippax. I understand that one of the thoughts of the community council, through your submission, is that you would love to see a greater police presence and, perhaps, in two locations in Belconnen rather than just operating out of the one site.

**Mr Hyde:** Correct. With the number of people that we will get in the west Belconnen basin over the next 30 years, we think that it is an absolute no-brainer that there should be a presence in Kippax for ACT Policing. Whether that is through a shopfront arrangement to start with, then building towards a more permanent presence, is for the minister to decide. We are very keen to see that presence move to Kippax.

As you would have noticed, we have commented on the response times from the town centre to the west Belconnen basin. In a non-emergency situation, it is above 10 minutes. In an emergency situation, it is less than 10 minutes. But in that period of time—

**THE CHAIR:** A lot can go on.

**Mr Hyde:** Correct. We are very keen to have a dialogue with all of the parties about how that might happen. We need to get the Kippax centre upgraded and the services area sorted before we can even contemplate having a more permanent presence out there.

**THE CHAIR:** You think that it should be part of the plan going forward?

**Mr Hyde:** Absolutely. Starting the conversation now can only help.

**THE CHAIR:** Also, further up the page, on page 3, you referred to the AFP furthering the agenda of the federal government, but you not give much in the way of examples of what you meant by that. Could you go into a bit more detail on that?

**Mr Hyde:** The thing that most people in the district reacted to, and certainly made comment on to the council, was about the use of the Federal Police to intervene in matters of freedom of the press. One of the journalists lived here in the ACT. That was the thing that really aggrieved a lot of people. We support the community's view that our police force should be used for matters that are set out in the MOU and for things that are construed as being completely lawful in the courts. Reinforcing that through your committee is a good first step.

**THE CHAIR:** One of the things that we have had some discussion about is the fact that our police are not ours, essentially. We are contracting through the federal AFP. There has been a lot of discussion, since I joined the Legislative Assembly eight years ago, about Canberra growing up, essentially. The case you are talking about is one example of the fluidity between ACT Policing and the Federal Police. Do you have a view on how that separation could be achieved, if we do continue to use the same people for their knowledge, their skills and so on? I am not an expert on contract law and so on.

I wonder whether you have any thoughts on that separation. I understand that the federal government pays for all of the training, for example. We wonder why our officers can just be taken and popped over into the federal AFP, which is good for them as individuals, to have that experience, but what consideration is given to how many ACT police officers that occurs to every year, and how that affects the force as a whole? Do you have any comment on that separation?

**Mr Hyde:** Absolutely. I will give a bit of history. The commonwealth police, in whatever form they have been in, have always been based in Canberra. That is the way it has always been. With the fact that we have had a separate police force grow out of it, you have only to go back to the 1980s, and again in the 1990s, when the protective service officers were split out from the AFP more broadly. That is the sort of organisational structure that needs to be reimaged.

I know that previous commissioners have had a range of views on how the Chief Police Officer should manage the local force. Given that a very high percentage of ACT police officers are born, raised, educated, work here and continue to work here, regardless of a couple of stints as federal agents or on deployment overseas, shows that it is still a community police force made up of members of our community. You have only to go to Barton to see how many are locals.

**THE CHAIR:** Absolutely, yes.

**Mr Hyde:** We would like to see, if there is a separation at some point, that we still use those systems of work that are currently employed to give us that local knowledge and experience. If we continue on the pathway that we are on now, for however long that lasts, we need to make sure that we have the most experienced and the best positioned people to be able to deliver those services to our communities.

**THE CHAIR:** Just to understand a bit better what you have said here in point A on page 2, which is about the protective service officer group, can you explain a little more about who they are? Is that the red car police people who look after embassies and so on? Could you just explain it for someone who is listening and does not know the difference? I understand that you and the minister had a close working relationship with the PSO cohort. Can you explain a bit about that?

**Mr Hyde:** Yes, absolutely. Back in a previous life I was a union organiser.

**THE CHAIR:** So was I.

**Mr Hyde:** The minister had the TWU group of members, I had the CPSU group of members. We looked after everyone—those working at Parliament House, those working in the diplomatic protection unit and those in what they call the OEs, the other establishments, which is the Lodge and the Governor General's. We had a very close working relationship with the PSO cohort. They are a great bunch of people, but they are not community police officers.

**THE CHAIR:** In fact, I hear from people in my electorate that when they have approached the red cars they have been told that they are not the people that my constituents are after, which I think is a bit confusing sometimes for the public.

**Mr Hyde:** It certainly is. Having played most of my golf at Duntroon, I have seen the PSOs do a loop this way every 20 minutes and Wilson Security do the opposing loop. People get quite confused about what is happening. The long and short of it is that we always advocated for a bridging course for the PSOs to be able to find a way into a community policing stream. I know at one point that was a very, very popular option that the federal justice minister was looking at. I cannot remember who it was at the time, but it was certainly under the Howard government and it seems to have just disappeared off the radar.

For most of us, as you say, you see a red car with AFP emblazoned on the side and you think that is a police car. It is not white, so it is probably not going to be a general duties ACT police officer inside. People do not understand the difference between what a PSO can lawfully do and what a general duties ACT Policing member can do.

**THE CHAIR:** In fact, ACT Policing use a couple of different coloured cars for what they do as well, depending on their role and whether they are a special liveried vehicle and so on.

**Mr Hyde:** Yes.

**THE CHAIR:** That is a great suggestion. We can consider that for our report.

**MR GUPTA:** I want to touch base on this matter first. In your area in Belconnen you have a few religious groups. For a time, after what happened in New Zealand last year, they had great concerns when they had large gatherings. I know it is not happening now but previously they approached the local police just to come and have a patrol there to show their presence. But it has not happened. They said they also mentioned it in one of their community council meetings. Do you have any more of these

concerns from people, vulnerable people or people with a different religious background, when they have large gatherings? How do you cater for them?

**Mr Hyde:** It is a complex question. I know that there are concerns across all the communities in the ACT. You talk to people from Tuggeranong; they have a view. You talk to people from Gungahlin; they have a view. You talk to people in the inner north; they have a totally different view. I think what we need to do is sit down and come up with a way to bring all the community views together and find out the best balance. It is a difficult job that community policing are charged to do, whether it is based on a mass gathering, whether it is based on pure crowd control in those circumstances, and whether there are individual activities that occur across communities from time to time that present a risk, and a risk significant enough that community policing would need to be involved.

Yes, there are protocols that govern that. But how many of them are matched to community expectation? I think that that is where the real gap is. That is our challenge, whether we are MLAs, whether we are community council chairs or whether we are Joe Bloggs at the end of Chandler Street here in Belconnen who notices an activity that gives rise to their own perception of community safety. They are the real challenges.

**THE CHAIR:** Yes, and that responsiveness and how to achieve it.

**Mr Hyde:** Absolutely.

**THE CHAIR:** We are here for all ideas at the moment.

**Mr Hyde:** I wish I had something that could actually match expectation. I think this is where we have to bring community together, to have a roundtable and to work out what is most appropriate in all the circumstances. Whilst a few of us will have views that incorporate what is a genuine risk, there are risks at lower levels and at higher levels. If we talk about the incident that happened just up the road here over the weekend, with a woman being stabbed in the hand, it was a great response. Somebody came down from the Belconnen police station in a couple of minutes and was able to round up the perpetrator and no further damage was done. But it is not always that simple. It is not always an easy fix to a situation, let alone all the responses that go in and around that fix.

My suggestion to you, as a committee, would be to think of a way that you could bring everyone together, whether it be through an electronic media gathering or whether we do it in stages, being hosted by community councils and that feedback being pumped back through your committee or the minister's office or whoever.

**THE CHAIR:** I think one of the things that we are dealing with now is that we are nearing the end of our term, and each committee is re-formed after the term with people who have been nominated. Though the JACS committee will continue, it is unlikely to be the same people. In fact, across the term things change sometimes too as people retire or get promoted. One of the things that we will do is put as much as we can into the recommendations of this report, but some of it may have to be taken up by the next JACS committee as well, in the next Assembly.

Certainly, what we have heard from the Human Rights Commission backs up your position that we need to continually improve that interaction with the community. I think the word “consultation” is sometimes overused. People have been known to lose a bit of hope in that process. Maybe involving the community is a very good way to do that. That is right.

**Mr Hyde:** I think the more things that we rule in, rather than the number that we rule out, generally leads to better outcomes. As I look at my 25 years in Belconnen, we have certainly grown at a proportionate rate to the rest of Canberra. Our policing profile has not always grown in the same way. If there is one enduring message out of all of this, it is that this will run across every district in Canberra. People just want to see that consistency in growth for our policing, and for people to be able to conduct their lives with a relatively reasonable level of safety and comfort. That is it. That is as complex as it needs to be.

**THE CHAIR:** When there are outbreaks of activity, as we have seen, at the local levels, with ram raids or with people attacking police and so on, there is a response that actually changes things so that it does not continue to happen. I think sometimes we hear about a bit of frustration in that regard.

We will move on to our next witnesses. If you have anything additional to add then please feel free to contact us or if, on reflection, there is anything else you want to tell us. Thank you.

**Mr Hyde:** Thanks very much.

**GENTLEMAN, MR MICK**, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal

**GLENN, MR RICHARD**, Director-General, Justice and Community Safety Directorate

**McINTOSH, MR ANDREW**, Senior Director, Justice Planning and Safety Policy, Justice and Community Safety Directorate

**CVETKOVSKI, MS DRAGANA**, Chief Finance Officer, Justice and Community Safety Directorate

**THE CHAIR:** On behalf of the committee I welcome the Minister for Police and Emergency Services, Mick Gentleman MLA, to discuss matters with the committee. I remind witnesses of the protections and obligations entailed by parliamentary privilege as set out in the statement sent to each of you by email. Could all who are present, for the record, please confirm that you have read and understand the implications of the statement?

**Mr Gentleman:** Yes, I have read and understand the implications of the statement. And I speak for JACS officials, advising that they have as well.

**THE CHAIR:** Minister, do you want to make any opening remarks? I know that sometimes I do not let you give opening remarks because they can be quite long, but today you might give us the short version.

**Mr Gentleman:** If I could just spend a minute or so, can I thank the committee for the invitation to provide evidence today. At the outset I acknowledge the difficult and very good work that ACT Policing does across our territory, ensuring that we have a very safe city and of course working with different aspects of our community in that sense. I harp on about the way that they have been able to work with our community during our recent health emergency, particularly with regard to the way they have dealt with, for example, protests, compared to other jurisdictions. It is a very good way of working with the community to ensure safety for everybody but ensuring that people can have their voice heard at the same time. I am pleased to answer any questions that the committee has.

**THE CHAIR:** I will start with a couple of questions that have been raised by others who have appeared before us. Really, you are the best person to have some ideas or some responses to those. The Human Rights Commission have raised with us the issue of data on a couple of matters: different community, cultural, language and religious groups and how many interactions they are having with police; what kinds of interactions they are having with police and how those matters are resolved. The statement they have made to us is that when they have put questions about it to you the response is that the data cannot be interrogated like that except by manual interrogation, which is very costly and time consuming. Can you please explain if there are any plans in the works to change that or whether that is just our situation?

**Mr Gentleman:** I think it is important to quickly talk about the amount of work that ACT Policing does in a cultural sense across the ACT.

**THE CHAIR:** That is fine, except that today I am asking about the data collection, if that is all right.

**Mr Gentleman:** We will be working on better ways to collect and distribute data from those inputs, I would imagine. They have indicated that they are looking at the system that we have at the moment, which is the PROMIS system, to see whether there is an opportunity to develop that further to enable better resourcing of those datasets. It is quite old, the PROMIS system, but it does work.

**THE CHAIR:** How old is the PROMIS system? When was it first used in the ACT?

**Mr Gentleman:** For as long as I can remember. I will have to take the actual date on notice but it is—

**THE CHAIR:** You are talking about your earliest childhood memories or—

**Mr Gentleman:** Well over 20 or 30 years.

**THE CHAIR:** We might be able to make some recommendations in that space as well. In particular, one of the issues that were raised was a data question regarding the number of sexual assaults that are being reported to police versus the number that are going to prosecution. There has been a huge increase—47 per cent, I believe—in assault reports to police but quite a big drop-off in the number that are going to prosecution. Just looking at my notes here, it is under 20 per cent, whereas earlier it was higher. Have you got any thoughts on that or what we might be able to do to change or improve that situation?

**Mr Gentleman:** It is a complicated matter, in that sexual offence of course takes courage to report and may take some time as well. It is not an uncommon course for a victim to take many years to report offending. Sometimes there is a time lag there as well. That is why we have support services offered by policing and health services for those people that do report.

**THE CHAIR:** I should add, just for fullness, that when we were told about this earlier today the comparison was made between ACT and Victoria police and ACT and Tasmania police. I think they both had a much stronger prosecution rate than ours. I think Tasmania was four times as likely as we were to go to prosecution.

**Mr Gentleman:** That is evidence based. It depends on the operational nature of each inquiry and each charge, I would imagine. I do not have in front of me at the moment the detail of the number of those that go forward, but I would imagine that—

**THE CHAIR:** Maybe you could take that on notice.

**Mr Gentleman:** I imagine that you might be able to raise that directly with the commissioner when he comes in front of you next week. He might have some more data for you.

**THE CHAIR:** I can do that as well. Minister, we have talked a little about the separation between ACT Policing and the AFP. My understanding is that our training

for our new recruits is paid for by the federal government. Is that correct?

**Mr Gentleman:** We pay for our training courses for ACT police operations. There is further training, of course, for the commonwealth operations. The AFP took effect in October 1979. I remember it well. I actually took part in the first exercise in 1978, when the recommendation came forward to form the AFP. It was a merger between ACT Policing, of course, and the commonwealth police at the time. Since then we have been able to receive the benefit of that for the ACT. We have our ACT operation on the street and then of course the resources that we can go to with the civil component.

**THE CHAIR:** Nobody is questioning at this stage the benefit that is gathered by our being part of the AFP, but the question goes to our ability to control, from the ministerial perspective, what goes on in ACT Policing. Have you given any thought to whether you have enough control over what happens with our recruits? For example, if they are wanted in the federal AFP, do you have to give permission for that or is that just automatic when they decide that they would like to do that?

**Mr Gentleman:** I give directions to ACT Policing in my ministerial direction position and then in—

**THE CHAIR:** That is general advice about what you want them to do, but I am asking about when people move from ACT Policing to the AFP. Do you give permission for those people to move or is that something that is outside our control?

**Mr Gentleman:** No, I do not give specific permission for those movements; they are internal to AFP. If there is a position that an ACT police constable applies for in national operations, they would go through the normal process there for application to that position and then of course the numbers come through recruitment courses for ACT Policing to make up the differences there, and vice versa.

**THE CHAIR:** And do you get notified—

**Mr Gentleman:** For example, as you have seen, we now have a new Chief Police Officer for the ACT. He has come back from national. He started in ACT Policing, went through a wide range of community policing roles in the ACT, went to national and has now come back to head up the ACT.

**THE CHAIR:** But do you get notified of how many people per year move from ACT Policing into the AFP and back?

**Mr Gentleman:** There are numbers that are provided for us. I do not have them to hand.

**THE CHAIR:** Can you take that on notice, for the last three years perhaps?

**Mr Gentleman:** Sure.

**MR GUPTA:** Minister, on accountability, have audits been done and are they done by an independent third party? What recommendations have you been given on the

accountability of ACT Policing?

**Mr Gentleman:** I am sorry, could you repeat that? We have low audio.

**MR GUPTA:** On the audits performed?

**Mr Gentleman:** There are general inquiries to ACT Policing as we go forward. We have an audit process which is internal and we also have external audits that occur every now and again as well. I might throw to Richard Glenn to give you more information on the audit process.

**Mr Glenn:** There is an audit process that is associated with how we measure performance within ACT Policing. We receive that data. The Auditor-General has conducted performance audit reports in relation to the policing agreement that resulted in some recommendations, some of which have been adopted, which show the nature of the agreement we have today. The management of the budget process, through the ordinary process of government to reach the final figure for the agreement for staffing the additional budget exercise, is done just as any other appropriation would be managed.

**MR GUPTA:** What are the recommendations? It is on budget, it is on collection of data, funding, training, lack of training or any suggestions like this?

**Mr Glenn:** The last ACT Audit Office audit, which was into the administration of the arrangement and purchase agreement, had recommendations around getting greater visibility of memoranda of understanding that ACT Policing entered into with other organisations, which was accepted; working to define the directorate's role in relation to the agreement in relation to ACT Policing matters, talking about strategic police policy development and the administration of the agreement, and that is sort of embedded in the directorate's role as we stand; developing a risk management plan for managing the arrangement of the agreement, which we do internally; undertaking a formal evaluation of the policing arrangement and purchasing agreement against the objectives of those documents when negotiating new arrangements and new agreements, which is part of our process—obviously we are embarking on that relatively soon because we are coming to the point where we need to initiate the next round of negotiations for the next purchasing agreement—and, in consultation with ACT Policing, assess the merits of increasing the length of the arrangement and purchasing agreement, which has led us to the situation we have now with the enduring arrangement and the four-year cycle of agreements.

**Mr Gentleman:** I should add to my previous answer too that, in regard to reporting of that data and statistics, it is presented each year in the annual report that is tabled in the Legislative Assembly. It goes into detail about financial analysis, financial performance. The statements of performance, for example, et cetera are all in that annual report.

**MR GUPTA:** On page 10 of your submission there is reference to KPMs, key performance measures, that are tabled. I see some of them are reaching up to a hundred per cent but there are a few in the low 50s, four in the 40s and even a 33. Why is there so much disparity there? What are the reasons especially for points 8

and 9? The time for priority 1 within 10 minutes is 100 per cent; then for priority 2 within 20 minutes is 70 per cent.

**Mr Gentleman:** We are just checking on that now.

**MR GUPTA:** Do you want to take that on notice?

**Mr Gentleman:** We might have to take it on notice.

**MR GUPTA:** It is appendix A, page 10.

**Mr Gentleman:** Can you deal with it?

**Mr McIntosh:** Yes, certainly. I can answer that question if you like, minister. Those two criteria there are response times for priority 1 incidents within 10 minutes and response time for priority 2 incidents within 20 minutes. They recognise the differing level of those priorities. Priority 1 incidents are generally the life-threatening incidents or the higher risk incidents. The KPI in relation to those is obviously quite close to a hundred, whereas the KPI in relation to priority 2 incidents relates to police attendance. It drops down a little.

In discussions with police, what we have been able to do is frame those KPIs in a way that enabled them to make sure that they can front-end their resources to those priority incidents. There are obviously other priority incidents as well, which are the priority 3 incidents, which at some stage will require police to engage on an agreed time frame as well.

**THE CHAIR:** I want to go to the number of police per head of population, which has been raised by a number of people who have come before us, including the chair of the Belconnen Community Council in the last session. I understand that in a bit of a drive to get some additional numbers there was an announcement last year, I think, of 69 new police personnel. How many of those have been hired, Minister Gentleman? How many of those have actually started?

**Mr Gentleman:** The figure you have given us here—and that was announced in the budget—is over a four-year period. The beginning of the process is this year. I will just check on those numbers. Do we have those at this point? No. We will take that on notice, the ones that have occurred this year. It is a four-year period, moving into the police service model.

**THE CHAIR:** We do not know how many have been brought online this year, if any?

**Mr Gentleman:** Yes, we do. As I said, I will take that on notice and provide that number to you.

**THE CHAIR:** And how many of those 69 are or will be frontline sworn officers? Do we have that number?

**Mr Gentleman:** I think they are all allocated for operational matters.

**Mr McIntosh:** The distinction between frontline and sworn is one that is best engaged with the CPO himself, but all of them will be actively involved in the investigation of matters, if you would like to put it that way. But the sworn, unsworn, operation of—

**THE CHAIR:** We are not talking about administration per se; we are talking about—

**Mr McIntosh:** Yes, and you are best to put that question specifically to the CPO because he will work out the exact type of staff they need for the type of crime they are looking to investigate. It is a little nuanced in the language and I certainly would not like to make a statement on his behalf that is not correct.

**THE CHAIR:** In 2016 there were some statements made that all Canberra serving police officers would be able to receive a conducted energy weapon, sometimes referred to as a taser. I believe that some do not have those yet. Do we know when they will be delivered?

**Mr Gentleman:** Again, that is an operational matter that we have left up to the CPO and ACT Policing to work through their training processes and purchasing processes.

**THE CHAIR:** And do you know where we are up to with the training and purchasing processes there?

**Mr Gentleman:** I understand it was rolled out. We will get an update for you or we will ask the—

**THE CHAIR:** Would you like to take that on notice and come back to us on that one as well? We have also had some discussions in the committee about, obviously, the integrity side of policing and how that is managed and reported on. Even though the Assembly was keen to get ACT Policing under the jurisdiction of our ICAC, we have not been able to do that. We have had some discussions with the new head of ACLEI about having more reporting into the Assembly, for the parliament to be able to see the numbers and investigations that are done, the types of investigations—obviously all depersonalised. Have you thought about that as a positive option for the ACT to have a bit more data on how many of these investigations are going on?

**Mr Gentleman:** Yes. We tabled that in the financial report. If you have a look at the plan statistics there, on page 78 through to page 79—

**THE CHAIR:** Is that complaints to ACLEI?

**Mr Gentleman:** No, to ACT Policing.

**THE CHAIR:** They are two different situations. There is the internal complaints mechanism then there is ACLEI, which is for more serious or systemic corruption issues, like our Integrity Commission. I am just wondering whether you would be happy to have, or whether you could see it as a positive to have, more data from ACLEI about their investigations into ACT Policing and how many they do and how often?

**Mr Gentleman:** I met with the ACLEI Commissioner and I would be happy for more data to be provided. There were a very small number, I understand, that they had looked at in the past. I think the more data that we can provide to the Canberra community, the better. I am happy to work with the commissioner, should there be an opportunity to provide more information.

**THE CHAIR:** She is keen. We might put something about that in our report and then you can work through that. I know it is getting towards the end of the term. I want to go quickly to mental health. There are various opinions on how mental health is managed for ACT Policing and I know there is new training coming online for preventative mental health training. What are your thoughts on this area and what could be done to improve things for our police? I understand a lot of cases go to ACAT from our police force.

**Mr Gentleman:** AFP have demonstrated that both physical and mental health are a high priority, and they have done that by engaging professional expertise and support from both inside and outside Australia. They will continue to explore new ways of providing support and easing the pressures on our workforce. Of course, I know quite a number of the staff that work in the job. It is demanding and it does draw not only on your resilience but on the support of your family as well. It is a 24-hour job, as we all know.

We are certainly aware that ACT Policing has a dedicated psychologist who provides a proactive and a response support service to ACT Policing members. The ACT government's funding for ACT Policing's transition to the new model of service will mean that ACT Policing receive a second dedicated psychologist to provide proactive and responsive support and services to members.

Their key initiatives have been the AFP health and wellbeing strategy, which was launched back in May 2018. They have contracted an external employee assistance program, provided by Benestar, which has a confidential counselling service available to all personnel, former members as well, and their families. They had the early access program as well, which brings quite an effective response to work-related injuries or illness, including mental, medical, psychological, and vocational, rehab as well. They are also part of the—

**THE CHAIR:** Where are we at with preventative mental health training? I know it is a fairly new area, but there are some case examples of this in some of the submissions. How do you think we are tracking on training people before they hit breaking point?

**Mr Gentleman:** The AFP, earlier this year, committed to providing access to the road to mental readiness courses through Lifeline. They launched in February 2019, and they are open to ACT Policing members for the next two years. This is an Australian first partnership, and the program will equip officers with coping strategies and tools to encourage them to address mental health concerns much earlier.

It was originally kicked off with the Canadian armed forces, before being expanded to first responders, and apparently it has been a great success over 10 years of operations. As at 31 December last year, a total of 264 ACT Policing employees had completed that mental readiness training since it was launched.

**THE CHAIR:** And how many employees are there in ACT Policing?

**Mr Gentleman:** 974 FTE was my latest figure.

**THE CHAIR:** When is that from?

**Mr Gentleman:** December 2019, from memory.

**MR GUPTA:** Minister, talking about future recruitment in ACT Policing, what is the criteria for the new operational and support staff? What is the criteria for recruitment? Will you have people from various backgrounds, all communities, as operational and support staff? How many of them are assisting operational, how many of them will be support and how many of them will be deployed around the different regions of the ACT?

**THE CHAIR:** We asked this question before. Have you got anything about the CALD community?

**Mr Gentleman:** Yes indeed. There is, of course, a focus on the CALD community. We want to ensure that there is a representation in our service. ACT Policing does represent the ACT. Members come from the ACT. They are usually recruited from here and they serve here as well. They do, of course, in their membership, recognise the different aspects of the ACT community as well.

I think in 2018-19 there were about 23 ACT Policing members that were identified as Aboriginal and Torres Strait Islander. Twenty per cent of ACT Policing's workforce identified as CALD in 2018-19, which was a slight decrease from 2017-18. They also worked with SupportLink, which is a referral and diversion gateway for police and other frontline responders that provides support services in the CALD sector as well.

**THE CHAIR:** Have you got any information about how recruitment is done in the CALD and Indigenous or Aboriginal communities?

**MR GUPTA:** You mean the selection criteria?

**THE CHAIR:** Or the process, yes.

**Mr Gentleman:** Yes. They have a team which works with different groups across the ACT, including the Office of Multicultural Affairs, the Office for Aboriginal and Torres Strait Islander Affairs, the Migrant and Refugee Settlement Services, Multicultural Youth Services, the Canberra Multicultural Community Forum, the ACT Disability Advocacy Association, the National Ethnic Disability Alliance and Companion House.

**THE CHAIR:** In recruitment?

**Mr Gentleman:** That work is the work I think they do in a sense of reaching out into those communities and into their recruitment processes.

**THE CHAIR:** No. How do we do it in recruitment, not how we reach out to them during policing? How do we reach out to them to invite them to apply to become police officers?

**Mr Gentleman:** I did finish up with that. Sorry, there must have been a bit of a lag with the camera view. As I said, the information that they get back from there feeds into how they go about their recruitment processes as well. Recruitment is done through the college, where training is provided. If JACS has any further information on—

**THE CHAIR:** How is that information from community policing fed into the recruitment process exactly?

**Mr Gentleman:** We will have to take that on notice.

**THE CHAIR:** In an earlier hearing it was raised that one of the issues with the way that we do the negotiation of the agreement is that accommodation is not necessarily a part of that agreement. Is that correct? Are the police stations not a part of that agreement? Is that correct, minister?

**Mr Gentleman:** That is correct. They are provided for through the ACT budget process.

**THE CHAIR:** Is that in any way linked to the agreement process or is it just an annual discussion with police about what their needs are?

**Mr Gentleman:** It is the latter; it is a discussion about their needs into the future. But we work with them each week on future needs for ACT Policing and accommodation and, of course, looking at population growth across the ACT and the growth of ACT Policing numbers as well. I think Mr Glenn has some more information on accommodation.

**THE CHAIR:** Just with regard to the accommodation, how is the Futures program going? We have heard it called this many times, but in the discussions process we do not have much vision of where it is up to. Is that something that is likely to be further discussed in the public domain this term or next term? What is the plan?

**Mr Gentleman:** No. Most certainly we want to report back to the public on how it is proceeding. We will engage, of course, with ACT Policing. They are doing the hard work on the ground. We have funded them, and they will be doing that work and we will be reporting back as it proceeds.

**THE CHAIR:** I have heard of this Futures program many times over the last few years and I understand that ACT Policing is doing the bulk of the work on it, but where is it up to? What has been achieved? When is the end point of this Futures program, so called?

**Mr Gentleman:** I am not sure that there is an end point, chair. It is intended to be, if you like, an organic matter. It will continue to grow into the future. It is a recognition of how this sort of approach to intelligence policing and working with the community

to prevent crime in the first place, rather than simply responding, has been so successful in other jurisdictions. So I do not think—

**THE CHAIR:** Right. I guess, what I am saying is—

**Mr Gentleman:** Mr Glenn might be able to give you some more information.

**THE CHAIR:** I just want to clarify my question, because every time I have asked about accommodation over the last few years I have been told, “That’s being dealt with through the Futures program.” That gave me the impression that there was an end point, when there would be some decision about the accommodation that police have had. Is that not correct?

**Mr Gentleman:** No, accommodation is dealt with, as I said, through the budget process and—

**THE CHAIR:** So it is not a part of the Futures program?

**Mr Gentleman:** No, the Futures program is to deal with police operations—the matter of changing the way that they operate completely from a single response model to a more proactive community engagement model that we have seen, as I have discussed, in other jurisdictions. It is on the operational members of ACT Policing and other staff, not to do with accommodation.

**THE CHAIR:** Okay.

**Mr Gentleman:** It will affect accommodation. As the population of ACT Policing grows, we will need more accommodation. If we see, as futures predict, more operational police out on the streets dealing with the community, the level of further accommodation may not be as great as we have had in the past. It may well be that they do it in a different way.

**THE CHAIR:** Yes, so what if it—

**Mr Gentleman:** That will be how we learn—through the Futures program.

**THE CHAIR:** Indeed. So on a more practical note, is there any hope of Gungahlin getting a bigger police station, given that they do not have a separated meals area and they do not have any soft interview?

**Mr Gentleman:** There is certainly—

**THE CHAIR:** I have had it reported to me that you can hear the toilet flush throughout the station.

**Mr Gentleman:** Well, I have been there on a number of occasions. I have not heard the toilet flush.

**THE CHAIR:** Maybe they are too scared to go while you are there, minister!

**Mr Gentleman:** I have been there myself!

**MR GUPTA:** Maybe, chair, just on that—

**THE CHAIR:** No, I would like to hear the answer of the minister on that first. Then we will come to you, Mr Gupta, straight after.

**Mr Gentleman:** Yes, there are certainly discussions on Gungahlin station. We have those discussions and about future accommodation regularly with ACT Policing and, of course, within cabinet.

**Mr Glenn:** If I could add, there is some structure that goes around that at the directorate level, in terms of our governance, around the agreement. So the agreement envisages the provision of accommodation to ACT Policing by the territory. How that is activated is that there is a body called the strategic accommodation committee, which is referenced in the agreement, which is a joint committee between the territory and ACT Policing to talk about the existing operational needs of ACT Policing in relation to accommodation and what the future looks like.

**THE CHAIR:** Does that body have regular meetings?

**Mr Glenn:** Yes, that body has regular meetings and there are other working groups that support various discussions on accommodation that are active between policing and the directorate, which inform our overarching governance process.

**THE CHAIR:** When that body meets does it have minutes?

**Mr Glenn:** Yes, that one has minutes.

**THE CHAIR:** How often has it met over the last 12 months?

**Mr Glenn:** We would have to take that on notice, but we are happy to provide that.

**THE CHAIR:** Do you have a ballpark idea? Once a year? Once a month?

**Mr Glenn:** It is about quarterly for that group, with other working groups that support it.

**THE CHAIR:** In the meetings of that group, has the state of accommodation at the Gungahlin police station been discussed?

**Mr Gentleman:** It has been discussed with me personally.

**Mr Glenn:** Yes.

**THE CHAIR:** No, I am asking whether it was discussed in the strategic accommodation committee.

**Mr Gentleman:** Yes, they did.

**Mr Glenn:** Yes.

**THE CHAIR:** Have they formed any views yet?

**Mr Glenn:** There is a body of work going on around accommodation and the particular issues at Gungahlin station, which are—

**THE CHAIR:** What about the city police station and the leaking windows in the conference room; and the fact that it is not a secure police station in the sense that people can drive behind it, which is not a normal thing in modern policing? What have the discussions around that covered?

**Mr Glenn:** I have not had any discussions on that topic specifically.

**THE CHAIR:** So there have not been any discussions about the leaking windows in the conference room?

**Mr Glenn:** Mrs Jones, I have not had a discussion about leaking windows.

**THE CHAIR:** I did not ask whether you had had a discussion. I asked whether the strategic accommodation committee—

**Mr Glenn:** I cannot answer that, Mrs Jones, because I have not had any discussions, so I do not know if the strategic accommodation committee has.

**THE CHAIR:** You could take that on notice, perhaps.

**Mr Gentleman:** I should put it out that in the 2019-20 budget, the government committed to \$9 million over four years to upgrade and enhance ACT Policing facilities. That was in addition to the \$4.6 million that is applied to leasing, maintenance and running costs associated with facilities.

**THE CHAIR:** Will it address the leaking windows?

**Mr Gentleman:** In April this year we invested an extra \$370,000 in ACT Policing facilities through that screwdriver-ready stimulus program, as well, for city police station and the traffic operation centre as well.

**THE CHAIR:** Yes, indeed, because in the rain and the hail, the roof in the traffic operation centre collapsed and there was water everywhere. So has that been addressed?

**Mr Gentleman:** As I have said, we just funded work for that centre and that will progress.

**THE CHAIR:** Exactly how will that be addressed? Is it a new roof?

**Mr Gentleman:** It is a matter for our infrastructure teams and budget cabinet to approve as we go forward.

**THE CHAIR:** So it has not been started yet?

**Mr Gentleman:** We certainly have funded the start of that work and we will continue to do that work.

**THE CHAIR:** Okay. Are you able to take on notice exactly what work will be completed under that project? There are some questions that need to be answered about accommodation for the committee.

**Mr Gentleman:** In the screwdriver-ready stimulus program, as I said, the city police station and the TOC were funded to \$370,000.

**THE CHAIR:** In each of those buckets of money that you have just listed, can you provide the committee with a list of the works that will be undertaken under each of those measures?

**Mr Gentleman:** Yes, for the \$9 million over four years, we can provide the expenditure. The \$4.6 million that was applied to the leasing, maintenance and running costs is fairly generic, but it goes into repairs, running costs and leasing costs.

**THE CHAIR:** Yes, but there obviously is not any change there to the location or externals of the city police station and the safety aspect of it, because people can drive behind it.

**Mr Gentleman:** I have not seen any evidence to indicate that the city police station is unsafe, chair.

**THE CHAIR:** No.

**Mr Gentleman:** If there is something that you have heard, I would be happy to—

**THE CHAIR:** Yes. I have, many times, been told by members of the AFP that it is unusual in this day and age to have a police station that people, the public, can drive all the way around, and that that is unsafe. I am more than happy to have that conversation any time.

**Mr Gentleman:** I have not seen any reports of incidents of unsafe behaviour or—

**THE CHAIR:** No, I did not say “incidents”, minister. I said that the opinion is that it is not modern, and it is not safe in a modern sense. I understand that things are built to the building codes and the regulations of their time, and that building is quite old, as you know.

**Mr Gentleman:** I have been there many times.

**THE CHAIR:** Indeed. Mr Gupta.

**MR GUPTA:** Minister, one of the by-products of the COVID-19 has been the flexi working arrangement, and we have seen that, in the majority of departments, people are working on a flexible work arrangement or working from home. Has that been a practice with the police force as well, and with some places having a shortage of

accommodation? Do you support staff working from home during this time? If it happened, will that continue to happen, considering the security and other privacy issues?

**Mr Gentleman:** Yes. We are very aware of the need to protect our staff during the pandemic. Operational advice has been given by CPO to members on the ground on how we should work with each other, but also work with the general public at the same time. Interestingly, we have seen a drop in criminal activity in the ACT, particularly in unruly social activity, since the COVID lockdown. So there has been a smaller incidence of police having to attend nightclubs in the city, for example, to maintain order. We have seen, I think, a smaller draw on ACT Policing, which has given them the opportunity to allow people to take leave, which is really good. Shift workers build up a lot of leave over time. With regard to how they work on the street, of course, social distancing is really important, and that is the instruction down from CPO to his officers.

**THE CHAIR:** Thank you.

**MR GUPTA:** Is flexi work arrangements something you will consider in the future or is it temporary—totally within this COVID-19 time?

**Mr Gentleman:** Well, wherever it is possible. I think that the difference is that these are operational members that work with the community. So if it is possible to work remotely, then they can do that, but most of the time their draw is on working directly with the community in a physical sense. So that would be something we would have to look at.

**MR GUPTA:** But I am talking about the administrative and support staff.

**Mr Gentleman:** Certainly, yes. Wherever that is possible, we can do that.

**MR GUPTA:** Okay.

**Mr Gentleman:** I can say that government directorates across the ACT government have been very successful in working remotely. Efficiencies have been gathered and reported to cabinet over this period, so we will be looking at, I think, every directorate to see where it is possible for people to work from home—work remotely—in the future, not just for safety, but for efficiency and better wellbeing for families, as well.

**THE CHAIR:** Not to mention the environmental aspect.

**Mr Gentleman:** Indeed.

**THE CHAIR:** Thank you. Minister, in the budget, in the 2018-19 to 2019-20 lines regarding JACS, there is a line item called “Gungahlin joint emergency service centre future use study”, which had, I think, \$30,000 allocated to it, which was rolled over from 2018-19 into 2019-20. Has that money been spent now?

**Ms Cvetkovski:** No, that money has not been spent yet.

**THE CHAIR:** Any of it?

**Ms Cvetkovski:** No, none.

**THE CHAIR:** Right. So we have allocated money to look into the current joint emergency service centre's future use, but it has not been done yet.

**Ms Cvetkovski:** None has been spent to date, no.

**THE CHAIR:** Okay, thank you very much for that. That is the end of my questions. I know that we are a couple of minutes early, but we are one member down. Mr Gupta, do you have any further questions to ask?

**MR GUPTA:** No, I am good, chair.

**THE CHAIR:** We will break for a few minutes before we go to the next people when they are ready. I thank the minister and the JACS staff for appearing and for being so helpful. We look forward to having our report for you, and hopefully a few more things to do afterwards.

**Mr Gentleman:** Thank you.

**Short suspension.**

**ANDERSON, MR THOMAS GRIFFITHS**, Chair, Weston Creek Community Council

**THE CHAIR:** On behalf of the committee, I would like to welcome Mr Tom Anderson, who is the chair, I believe, of the Weston Creek Community Council—

**Mr Anderson:** Chair, that is correct.

**THE CHAIR:** which includes Molonglo Valley, I believe, as well. Is that correct?

**Mr Anderson:** That is correct for the moment, yes.

**THE CHAIR:** Yes. I just need to confirm that you have read and understood the implication of the privileges statement that has been sent to you. Is that correct?

**Mr Anderson:** That is correct. I have read it and understood it, yes.

**THE CHAIR:** Thank you so much. I am sure that this is not your first rodeo in front of a committee!

**Mr Anderson:** I would not call it a rodeo; I would use another descriptor!

**THE CHAIR:** I know, it is terribly fun what we have got going on! Do you want to make any opening remarks about policing in your area and what you hope to see for the next phase of ACT Policing?

**Mr Anderson:** Our view is a very local view of what is going on with policing, and the issues are local. Those issues have been formed through various methods that the council has garnered—through surveys, through meetings, through our Facebook site and through our website. People have provided that feedback to us, and it is pretty simple: they are concerned about rising crime. They are concerned about a slow response. They are concerned about the lack of a visible presence of police in Weston Creek and Molonglo, and they feel that there is a need for a new police station in one of these districts. As well as that, they are concerned about what we term “hooning”, or fast driving, particularly in Molonglo, but it is also occurring in and around Holder and Duffy.

**THE CHAIR:** Yes; don't I know it!

**Mr Anderson:** They are the issues for us, and any time that we have dealt with the police it has been a pretty good relationship. The problem is that the times that we have had the interface with the police are few and far between.

**THE CHAIR:** Yes; very good. I just want to go to your submission. I can see here your desire to see a permanent police presence in the area that your community council covers. Speaking as someone who lives in that area, I can really understand why. We have pockets of policing needs and issues that are totally reliant on people reporting them to the police rather than the police seeing much for themselves in that area.

I am also quite interested in your thoughts about our maturity as a territory. Certainly, I have asked the Chief Minister before why we do not talk about having our own police force. Why is that a conversation that does not seem to happen as much as some other more political conversations about growing up as a territory and having our own self-determination in a sense? I just wonder if you would like to say something about that. There are not many people who raise this idea.

**Mr Anderson:** When we look at it, and we look at the Northern Territory, which has a population now of probably half that of the ACT, we see that it has its own police force. Tasmania, which has not many more people than the ACT, also has its own police force. So it becomes a question of why the ACT should not have its own independent police force; and there are pluses and minuses that go with that.

**THE CHAIR:** Yes. People often raise the cost factor, and that we probably benefit, cost-wise, from being a part of the AFP. People are certainly not asserting that the ACT police are not Canberrans or are not people who care about the community, but, I guess, we do not discuss very often the benefits of having our own police force or of doing that at some stage in the future. At the moment we are stuck with almost an accident of history. We will hear more about that in our next hearing, where we hope to have Mr Gary Humphries come and speak. He was the minister for police fairly early on in self-government.

**Mr Anderson:** Okay. We have a Chief of Police now who started his career in Canberra as a local policeman on the beat.

**THE CHAIR:** That is right.

**Mr Anderson:** So there is no reason why we cannot do it. I think that there are lots of synergies with the AFP having its headquarters here; it makes access to a number of things that the AFP has easier for a local police force.

**THE CHAIR:** Correct. The other thing that I have started to ask a few people about—and I would love your thoughts on it—is how to get a little bit of separation, even if we maintain the same arrangement essentially. The minister has just confirmed for us that he is not consulted when people go from ACT Policing up to the Australian Federal Police. While it is really good for their personal careers, we do not have a limit on the number of people who, in a year, go up and come back. I certainly get the sense that they more often go in one direction than the other.

**Mr Anderson:** It seems to be a training ground for the police in many ways. When they start to achieve, it is, “Excuse me, will you come here? You are now in the federal police.”

**THE CHAIR:** I guess that they are applying for roles.

**Mr Anderson:** So you lose—

**THE CHAIR:** That is right, it seems to be more in one direction than the other.

**Mr Anderson:** Yes. I am not aware of that, but I can understand how it happens.

**THE CHAIR:** I will see if Mr Gupta has a question for you.

**MR GUPTA:** Mr Anderson, you mentioned in your submission some crime waves in Molonglo valley—

**Mr Anderson:** Sorry, I have lost you.

**MR GUPTA:** In your submission you mention some crime waves in Molonglo valley and Weston Creek valley. What kind of crimes are we talking about here?

**Mr Anderson:** We are talking about burglaries, thefts, property damage and the theft of number plates. Those seem to be the ones. Property damage, property theft and burglary seem to be the big ones.

**MR GUPTA:** What response is the community getting from the police? What is the response time? Is there frustration or they are happy? You said that—

**Mr Anderson:** Well, no, they are not happy with the response time. It seems to take forever to get the police there. Unless it is a—what is it?—category 1 or category 2 incident, it takes a—

**MR GUPTA:** Category 1—

**Mr Anderson:** Yes. It takes a long time for the police to get there; and there has been a lot of reporting. We are trying to encourage the community, both in Weston Creek and Molonglo, to report them. They easily report them on Facebook, but then to get people not to put it on Facebook but to report it to the police is another question. So there is a bit of unreported crime there as well, Mr Gupta.

**MR GUPTA:** In Molonglo valley, especially, there are people from diverse backgrounds—a multicultural community. Do you think that that is the reason they are a bit hesitant? We have been seeing this trend—that people from the CALD community are a bit hesitant to go to the police station. They are happy to discuss things in the groups they have formed in the social media. Is that your experience or is that what you are thinking?

**Mr Anderson:** I believe that is the case, because there is an aspect of it where they really do not want to go to the police station and do that, although they are working hard in Coombs with their neighbourhood watch. We have got one member of, if you like, the ethnic community who is now in charge of that. So, hopefully, he can encourage more of the community to report the crimes.

**THE CHAIR:** Fantastic. Can I also ask on that, do you think that there is a sense of frustration—that people do not report crime because of the question of whether police are able to come or not, whether they are coming or whether it takes a while?

**Mr Anderson:** No, I am not sure about that. I really do not know what the answer to that is. There might be a little bit of that, particularly repeaters, but we are still saying to people, “You need to report it to police, whatever it is,” because it becomes a

pattern; and if it becomes a pattern, it gives them more information to work on to resolve the issues.

**THE CHAIR:** So, perhaps, more engagement with the community in person at the local shops and at the local community centres and so on could be helpful for police in our area?

**Mr Anderson:** Yes, we usually get the officer in charge of Woden to come along every six or 12 months to talk to us at one of our public meetings. The last one was very good. I think it was Sergeant Simon Coady. He was a very good representative of the AFP, actually, in the way that he spoke and the information that he gave. It was terrific.

**MR GUPTA:** There is a police presence there? Do you see police patrolling and all those things that are quite different—they are visible?

**THE CHAIR:** Not much.

**MR GUPTA:** Not much?

**Mr Anderson:** No. Mr Gupta, I live in Chapman. Few diplomats live here, and the cars that we see are the—

**MR GUPTA:** Red police cars?

**Mr Anderson:** Yes.

**THE CHAIR:** The PCA, yes.

**Mr Anderson:** I see many more of those than I do the other type.

**MR GUPTA:** Okay.

**THE CHAIR:** Yes. I think I saw one car driving around Duffy during the isolation time reminding us to stay home but, other than that, we do not see them very often, do we?

**Mr Anderson:** No, we do not see them very often. I think to their—

**THE CHAIR:** They are busy.

**Mr Anderson:** They are busy, and I am aware that the minimum staffing for Woden is six officers plus the sergeant.

**THE CHAIR:** For the whole of Woden, Weston Creek, Molonglo Valley—

**Mr Anderson:** On a shift in Woden, it is a sergeant, a minimum of six officers and two office people. That is not a lot to cover Woden and Weston Creek and Molonglo, so—

**THE CHAIR:** Yes. The Federal Police Association as well as the Belconnen Community Council have both raised very strongly the need for the police numbers to keep up with population and that that has not occurred over the last decade or so.

**Mr Anderson:** I would agree totally with that. We have been promised 60 police over the next four years, which is—

**THE CHAIR:** Which will not really fix the problem.

**Mr Anderson:** Well, that is a nine per cent increase over the four years and—

**THE CHAIR:** If nobody retires.

**Mr Anderson:** That is to keep the numbers up, but there is a need for more police now. That will not fix the problem; that will be lucky to maintain that balance between population and police.

**THE CHAIR:** Yes, well, we will certainly have something to say about it in our report, Mr Anderson, I am sure. Now, is there anything else, Deepak, that you wanted to ask?

**MR GUPTA:** No. I think it is good, through your community council, to send awareness that people have to report the crime to the police. There is no point putting it on social media and then not getting a response, because that is not the correct area. That is not the channel to report about crime. When reporting a crime, they have to go to the police station. So there is a bit of education that needs to be done, especially with some of the community groups down in Molonglo Valley because it is growing over there, and I see a lot of community establishing [*Interruption in sound recording—*]

If you do something through your council, the message can go to make sure they report it otherwise there is no data, because government works on the data and if the data is not there, then it is sometimes difficult to justify.

**Mr Anderson:** I agree with that, Mr Gupta. In fact, our frustration is the same—trying to encourage people to report it. Any crime is reportable. You need to report it to provide the police with the base. So we will work on that.

**THE CHAIR:** Do you talk about Crime Stoppers with people as well, Mr Anderson? Is there any confidence in that system as well?

**Mr Anderson:** We have not really talked about Crime Stoppers. No, we have not talked about that.

**THE CHAIR:** Yes. Certainly, I have been told by police many times that they use the information from Crime Stoppers to try and create a picture of a pattern of behaviour. So that might be something that we can talk about—the government advertising more about how that service actually works—so that people can understand how any input that they make will be dealt with.

**Mr Anderson:** Yes. I have used it myself, personally, so I understand how it works, but, yes, it is a very good point to publicise that a bit more.

**MR GUPTA:** You see a lot of fridge magnets with those numbers.

**Mr Anderson:** Yes, I think we have got—

**THE CHAIR:** Maybe some really good ones, Mr Gupta? Is that what you are saying?

**Mr Anderson:** No, it is the Crime Stoppers. I think—

**THE CHAIR:** [*Interruption in sound recording—*]

**Mr Anderson:** That is the old AFP one, yes.

**THE CHAIR:** Fantastic. Thank you very much for taking the time; you are very good to our community in all you do, especially coming and spending the time with us today to make sure that the views of Woden, Weston and Molonglo Valley—especially Weston and Molonglo Valley—get heard. It will form a part of our report.

**Mr Anderson:** Thank you, Madam Chair. Thank you, Mr Gupta.

**MR GUPTA:** Thank you.

**Mr Anderson:** I appreciate the opportunity to speak to you.

**THE CHAIR:** Just before you go, you did not take any questions on notice, so I do not need to go through how to answer them, but if you think of anything else that you would like to let us know after the discussion, please be in touch.

**Mr Anderson:** I think that the only thing is hooning and the racing that goes on along John Gorton Drive and across Coppins Crossing. We have hearsay that two cars were seen side by side going across the crossing at quite considerable speeds. Thank goodness no one was coming the other way!

**THE CHAIR:** Yes, because you really cannot see who is coming down that hill.

**Mr Anderson:** No.

**THE CHAIR:** Perhaps part of the solution there is getting the new bridge built, which will at least not have those blind corners on it, I presume.

**Mr Anderson:** Yes, I would love that. We want to bring it forward because it is really a necessity, and for the people in Whitlam it is—

**THE CHAIR:** In heavy rain, it is already dangerous, I think, to get across there.

**Mr Anderson:** Yes. We can talk about that separately, perhaps, over a cup of coffee.

**THE CHAIR:** We will, no doubt, Mr Anderson. On behalf of the committee, I thank

you so much for attending today. When it is available, a proof transcript will be forwarded to you and other witnesses to provide you with an opportunity to check the transcript and suggest any corrections. The committee's next hearing on this reference is 3 pm on 30 June 2020. I now close the hearing.

**The committee adjourned at 4.59 pm.**