



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, 30 JUNE 2020

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

By authority of the Legislative Assembly for the Australian Capital Territory

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

WITNESSES

BUCKLEY, MR BOB , Chair, Speaking Out for Autism Spectrum Disorder	79
GAUGHAN, DEPUTY COMMISSIONER NEIL APM , Chief Police Officer for the ACT, ACT Policing.....	61
HUMPHRIES, MR GARY AO	87
KERSHAW, COMMISSIONER REECE , Commissioner, Australian Federal Police.....	61
LEVAY, MS NICOLE , Director, Corporate Services, ACT Policing.....	61
MANTHORPE, MR MICHAEL PSM , ACT Ombudsman, Office of the Commonwealth Ombudsman	74
PFITZNER, MR PAUL , Acting Deputy Ombudsman, Office of the Commonwealth Ombudsman	74

Privilege statement

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

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

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

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

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

Amended 20 May 2013

The committee met at 3.02 pm.

KERSHAW, COMMISSIONER REECE, Commissioner, Australian Federal Police
GAUGHAN, DEPUTY COMMISSIONER NEIL APM, Chief Police Officer for
the ACT, ACT Policing
LEVAY, MS NICOLE, Director, Corporate Services, ACT Policing

THE CHAIR: Good afternoon and welcome. I declare open today's session of a virtual, screened public hearing of the Standing Committee on Justice and Community Safety. This is the third hearing on the committee's evaluation of current ACT Policing arrangements. On behalf of the committee, in advance of their appearance, I thank all witnesses who will appear today.

In the initial discussion today, we will hear from representatives of the Australian Federal Police. Proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Before commencing the public hearing, I have a couple of quick matters that I need to cover off. Questions taken on notice today need to be provided back to the committee office within five business days after the receipt of the proof *Hansard* of the hearing.

Now I call on Commissioner Kershaw of the Australian Federal Police; Deputy Commissioner Neil Gaughan, the new Chief Police Officer for the ACT; and the Director of Corporate Services, Nicole Levay, to present. Before we begin questions, I remind witnesses of the protections and obligations entailed by parliamentary privilege, based on the privilege statement that was emailed to you. Can I confirm for the record that you understand the privilege implications of this statement?

Commissioner Kershaw: Yes, we do.

THE CHAIR: Thank you. The committee has published the AFP submission. We have about 45 minutes to go into some detail. Do you have a brief opening remark that you would like to make? It is not very often that you get the opportunity to speak to a functioning part of the Assembly.

Commissioner Kershaw: Chair, if you would indulge me, I have a short statement.

THE CHAIR: Thank you.

Commissioner Kershaw: Good afternoon, chair and committee members, and thank you for the opportunity to make an opening statement. This inquiry is a great opportunity for the AFP to demonstrate our role and our value through ACT Policing and serving the local community. As commissioner, I am serious about reducing crime and enhancing public safety in the ACT and ensuring that the community and the government are well served by our agency. I wanted briefly to outline our recent structural enhancement, which now sees a deputy commissioner in charge of community policing in the ACT, the value the local community derives from a policing service directly linked to the commonwealth police force, and work underway to achieve the priority objectives for ACT Policing, in line with the ministerial direction and contractual arrangements.

I also want to assure the committee that officers of ACT Policing are subject to robust and rigorous integrity frameworks and scrutiny of their actions, in accordance with commonwealth laws and the jurisdiction of independent oversight agencies, including the Australian Commission for Law Enforcement and Integrity, ACLEI. I note the commencement of Deputy Commissioner Neil Gaughan as Chief Police Officer on 18 May 2020. The elevation of this position and its performance by an experienced deputy commissioner is part of my broader intention to ensure that the AFP is fit for purpose and is delivering for the community now and into the future.

As you know, Deputy Commissioner Gaughan brings a wealth of experience from over 30 years in law enforcement. His career commenced in ACT Policing and he worked for over 15 years in a variety of ACT policing roles. He also held investigative and senior roles in organised crime and counterterrorism portfolios. In this current role, Deputy Commissioner Gaughan will focus on reducing recidivism in the ACT, reducing road trauma and improving mental health support for officers in ACT Policing. Former chief police officer Assistant Commissioner Ray Johnson served the ACT community very well, and I am very pleased that he has taken on the position of deputy commissioner in the ACT Emergency Services Agency, where I am sure he will continue to ably serve the people of Canberra.

As Canberra has grown as a city, I felt it important that the chief police officer, who sits alongside the commissioners of police around the country in many of our national forums, be at the level of deputy commissioner. Allocation of a deputy commissioner to the position of CPO is also part of my plan for the AFP to best support our frontline officers so that they can keep the community safe. This is built around the delivery of three services: national and international policing and investigative services; community and policing services in the ACT; and specialist protective services. We are positioning the AFP to meet the challenges of a changing operating environment, in a fiscally sustainable and appropriate way.

I am confident that the ACT government is receiving very good value for money under current arrangements, and there are countless benefits realised from close links with the AFP leveraging national enabling services, specialist support and oversight mechanisms to maximise community safety. This includes access to services for officers under our mental health strategy, our robust professional standards framework and our world-class forensic capabilities. Mobility into and out of ACT Policing benefits both the AFP and the ACT community. Broad access to training, skills development and surge capacity enhances ACT Policing's overall performance. The recent and ongoing response to COVID-19 is an example of the benefit of ACT Policing arrangements. Support for ACT Policing is an ongoing priority of the AFP's operation to protect. Approximately 38 additional policing resources were deployed from AFP national over a three-month period to support the local enforcement of social distancing restrictions and traffic operations.

Key areas of focus for ACT Policing in the coming year include early intervention, prevention and disruption, particularly in the areas of mental health and family violence; reducing recidivism; organised crime gangs; countering terrorism and violent extremism; and reducing road trauma. Work is underway to achieve these important, ambitious objectives, including through working with the Aboriginal and Torres Strait Islander communities to identify ways to reduce the over-representation

of Aboriginal and Torres Strait Islander people in the criminal justice system; strengthening our response to mental health presentation; working with the ACT government and partner agencies; and increasing our early intervention and diversion strategies. This is also being facilitated by funding from the ACT government for the police service model in May of 2019, the largest injection of funds into policing in the last decade.

This funding is enabling a transition to a new services model, which will fundamentally shift how we provide services to the community to a more proactive model that is focused on education and prevention. Across the breadth of all of the AFP's functions, we know that education and prevention are just as important as, and are often complementary to, deterrents through investigative and prosecutorial action.

Finally, I note the significant commentary in the course of this review about the sufficiency of current oversight arrangements. While this is ultimately a matter for government, I want to highlight, as set out in our written submission to the committee, that officers of ACT Policing are subject to robust internal and external integrity mechanisms and to comprehensive commonwealth oversight. All allegations of corruption by AFP members, including those in ACT Policing, are referred to the Australia Commissioner for Law Enforcement and Integrity for investigation. Thank you, chair. We are now happy to take any questions.

THE CHAIR: Thank you very much. I want to begin by giving you a little bit of background on some of the things that colour the discussion, and which have been in play since before you were in the position that you are in, Commissioner Kershaw. Earlier this term, the ACT Assembly investigated and instigated an ICAC, and you have referred to some of those issues in your opening remarks. I have to say that one of the most disappointing experiences that I have had in my role on this committee was when I was shown a transcript of an email by someone from ACT Policing saying that they were going down to the village to talk to the people in the parliament down there. I am sure that this is not necessarily your position, but you need to understand that that has been the position we have been put in.

Then, when we asked for statistics about how many people had been investigated, we were given none. When we asked how many cases were being actively considered internally inside the AFP, we were given none. Fortunately, ACLEI came to us with some information in these hearings, and that was really welcome. There is a new head of ACLEI, as well. I hope that with the new management at the AFP, and at the ACT level, we will get that kind of cooperation. As you can imagine, despite the fact that ACT Policing is not the AFP's only job, it is really important to my constituents and the people who we represent in this place.

I just wanted to go to the fact that we are now seeing the fourth chief police officer in four years in the ACT. While I understand the comments that you made about how very experienced Deputy Commissioner Gaughan is, and how his seat at the table will assist, can you please give us some idea of the process that is gone through in deciding whether somebody should leave the post of CPO?

Commissioner Kershaw: As I said, we made the decision to elevate it to deputy. If you go back in time, the original position was a deputy commissioner. It shifted to an

assistant commissioner. Given my experience, coming from the Northern Territory Police Force, a very tough crime environment, I felt that that position here in the ACT gives it more authority. When mixing and dealing with the commissioners—and Neil will be sitting on boards where there are commissioners—having a deputy at the table will give greater significance to working together with different jurisdictions, in my view. It is something that has been done previously. So as far as that goes—

THE CHAIR: Yes, I have heard that loud and clear, Commissioner Kershaw.

Commissioner Kershaw: Yes.

THE CHAIR: The point is that I would not mind understanding how we have got to the point of having four CPOs in four years.

Commissioner Kershaw: Yes.

Dep Commissioner Gaughan: Chair, if I may, I will take you back to the last four. Obviously with Ray Johnson, the commissioner has already indicated that he made a decision that he wanted to elevate the position to deputy. Ray, as you know, is now working in an important role at the ESA. Justine Saunders has left the AFP to get promoted to a deputy commissioner's position in the Australian Border Force. She actually left to be promoted. Rudi Lammers retired. Roman Quaedvlieg also left the AFP to get promoted in the ABF. One of the beauties of having a deputy commissioner appointed to the role—and I have said this publicly before—is that there is really only one job for me to go to in the commonwealth. That is the commissioner's job, and I do not want it. So I have given a commitment to the Chief Minister, and I give the commitment to you and the committee, that I am in this role for as long as you, and indeed probably my wife, want me to be. I am not jumping up or jumping out. I am going to spend the rest of my career in the AFP, and I hope that it is a fairly long one. My aim is probably to do as long as those four did collectively; let's just say that.

THE CHAIR: Fantastic to hear. Obviously, time will tell.

Dep Commissioner Gaughan: Absolutely; 100 per cent.

THE CHAIR: Thanks very much. In your submission, on page 8, towards the bottom at point 33, it says that there is a round of negotiations to do with the policing agreement that is reviewed every four years and it is due to be completed in September 2020. However, the previous review was done and completed in 2017. Why are we doing it at three years, and not at four years, after the ACT election?

Ms Levay: The purchase agreement used to be negotiated on an annual basis.

THE CHAIR: Yes.

Ms Levay: In 2017, when we entered the new agreement, we negotiated it to be every four years. This does actually align with that four-year period.

THE CHAIR: Is there a view of a willingness to perhaps realign that four years to be

after an ACT election, rather than just before it?

Ms Levay: It is not due for negotiation until after the election. So it is 1 July—

THE CHAIR: It says in here that it is due for completion in September. The election is in October every four years—

Ms Levay: No, sorry, at the moment we actually have a review underway, which is the enabling and rebasing project.

THE CHAIR: Right.

Ms Levay: That is all the capability that is purchased from the AFP for ACT Policing's purpose. That, at the moment, is currently under review; and that will form part of the negotiations for the next contract, which commences 1 July 2021.

THE CHAIR: Great, okay. That is a good clarification for us, thank you. Finally on this set of questions I have for you, in your submission, at attachment B, schedule 1, it states that the total ACT Policing budget appropriation for 2019-20 is \$164,931,000, and for 2020-21 it will be \$164,359,000, which is a shortfall or a cut of \$572,000. Where has that money gone?

Ms Levay: It should actually say \$175,000,000.

THE CHAIR: Sorry? Is the number wrong in the schedule on your annual funding?

Ms Levay: At the time that that was prepared, it may not have included the appropriations that we received in the 2019-20 budget cycle.

THE CHAIR: When was the submission sent to the committee? It was in the last month or so, I thought.

Ms Levay: No, it was given at the beginning of this calendar year.

THE CHAIR: February.

Commissioner Kershaw: February.

Ms Levay: Early in the calendar year. So we would not have completed the budget.

Dep Commissioner Gaughan: Chair, we will provide an updated schedule so that you will have that for the committee.

THE CHAIR: Yes, indeed. Otherwise it is a pretty worrying number. I will go to Ms Cody; she might have a question. Then we will go to Mr Gupta, and then we will come back again to me.

MS CODY: I want to ask a couple of questions about ACT Policing's approach to certain people, particularly individuals with neurodevelopmental disorders such as autism. I am just wondering if you can give me a bit of a rundown on how you deal

with that—as opposed to other jurisdictions, if you know how other jurisdictions deal with it.

Dep Commissioner Gaughan: Yes, thank you. I think every jurisdiction is slightly different, but the ACT frontline police officers undertake mandatory enhanced mental health training, which is basically to assist members to understand how to deal with people when they present with these types of issues. The last time we rolled that out, training commenced on 17 February 2020. It is an ongoing training package that we currently have in development. Obviously, we are always on the lookout for better ways of doing business. We continue to look around the globe for better ways of delivering the way that we deal with people, particularly those on the autism spectrum, for instance.

The other thing that we acknowledge is the fact that the necessary expertise in relation to these sorts of things does not always necessarily rest with the police. We are seeing some of the advantages of things like the PACER model for the way that we deal with mental health, it being a good representation of a joint team approach. I am certainly looking at joint team approaches across a broad range of ACT Policing activities at the moment. The commissioner and I were talking about some of those earlier. I think it is important that we recognise that policing as a profession and a skillset brings certain enhancements to the way we deliver our capability but we need to work better with people such as mental health professionals and the rest of the ACT directorates to ensure the best outcome for the ACT community.

MS CODY: I agree. At the moment, are there some mental health groups that you are working with, or is it more of a strategy that you have developed, and you are keen to work with other groups?

Dep Commissioner Gaughan: Look, I think that the PACER model—which is police, ambulance and clinical early response—is a way that we can now deal with mental health. So if we present to a person suffering a mental health episode, we go as a tri-discipline approach and we deal with it in the best appropriate way. Sometimes it is a police approach; sometimes it is not. We are working on this with some of the other areas in the way that we deliver a service. As I said, we partner with people across the ACT directorates to bring a better outcome for the community. A lot of it is about training and ensuring that our people maintain their skills. That is something that we are really focused on here, not just in ACT Policing but the AFP more broadly—giving our people the right equipment and the right tools to do their jobs properly.

MS CODY: Yes.

THE CHAIR: I have a supplementary, if you do not mind, Bec. You talked about when people have a mental condition episode, but a condition like autism is a permanent state of play for that person. They do not have a mental health episode. They might experience a meltdown, but they basically see the world in a certain way.

Dep Commissioner Gaughan: Yes.

THE CHAIR: It is concerning that even your response today does not seem to really take that fact into account. So while tri-group responses are really positive for

somebody who has had a lack of medication and is having a mental health episode in the community, if someone is autistic and just needs to be spoken to in a very clear and straightforward manner, without emotional baggage, for example, it is interesting that it is obviously still a new thing that we are all learning about. It is not that it has not been around for a long time, but these people are not trying to be problematic.

Dep Commissioner Gaughan: I agree with that. As I said, as police officers we have to continue to adapt to the environment that we are in front of. We started autism spectrum training very early this year, on 17 February. So we have acknowledged that we have had a deficiency in this area. We are taking steps to address that deficiency, and we will continue to work on those things.

I will be up-front with the committee: during the current pandemic, the ability for our people to be trained as I would like them to be has been diminished by the fact that I have not been able to do large-scale training programs. Indeed, many things have been rolled back. We have given a commitment to the government, and I give a commitment to this committee, that we will continue to roll out that training. I am open for discussions with people that have appeared before this committee to assist us to refine that program and, indeed, to help us to uncover different programs that provide a better outcome.

THE CHAIR: Well, there will be a conversation later on today about that with the autism representative body. Ms Cody, do you have more to say?

MS CODY: Just one more question, sorry. I have a question about a slightly different group in the community. I just want to know what ACT Policing is doing to help reduce the over-representation of Aboriginal and Torres Strait Islander communities in the criminal justice system.

Dep Commissioner Gaughan: Yes, that is a really complex question. Commissioner Kershaw might want to add something to this, noting his previous experience in the NT police. As we are here, speaking, one of my deputies is on a conference call about this particular issue. This is something that we cannot solve by ourselves. We need to work very closely with all parts of the community to address this problem.

I have met with most of the senior leaders of the Aboriginal and Torres Strait Islander communities in the seven weeks that I have been chief police officer, and I have got a number of other meetings underway. I have met with most of the other parts of the ACT government to come up with a reconciliation plan that we have for law enforcement, which expires at the end of this year. We will come up with some new strategies. What I have said to the Aboriginal and Torres Strait Islander communities is that I do not want motherhood statements in that document. I want tangible targets, because without tangible targets and tangible outcomes, we will not be able to achieve too much.

Through the police service model, we have received some additional funding for an additional Aboriginal liaison officer. We will work at the recruitment of that in the upcoming months. It is a key undertaking for me to achieve that, working with the community for the best outcomes. It is a really complex problem and I know that Commissioner Kershaw is much better placed than probably most of us to talk about

the complexities.

Commissioner Kershaw: To support what Neil is saying, it comes back to understanding the family structures and actually what is happening in those households. Just before this meeting, in my reconnecting with Canberra, I made an interesting observation that it is the same families that I was policing even back in the late 80s. That actually demonstrates to me that what we need to be better at is having those whole-of-government, multidiscipline teams that look at those particular families and divert them away from entering the justice system, because know that once that occurs, it is often a cycle. It is a repetitive cycle for those individuals, sadly.

I will give an example. A study recently in Queensland found that if a child under the age of 16 touched on the child protection, youth detention and mental health spectrums—all three—the probability of entering adult prison was extremely high. Sadly, the majority of offenders under the age of 25 in the Queensland system right now were actually youth offenders. We know that that is key. We have got to get to these families and understand at a deeper level what is happening in that household and how we can deliver those services. I note that the ACT has a very good community safety education and diversion team and is looking at expanding the multidisciplinary team. We need to be freed up to share the different datasets to understand what is exactly happening in that family environment.

It is an extremely complex issue. It is a national issue. The other part of this is that we, as an organisation, are pursuing a proactive approach to having a representative of the community that we serve. So, for me, it is about increasing the number of ATSI officers, and we are embarking on different programs to make sure that we are representative of the community that we serve.

THE CHAIR: Yes, I was going to ask you about that.

Commissioner Kershaw: Ideally, for us, it is about how we have the right interventions into those family units. It has to be the whole system; it cannot be the police all the time that are charged with making sure people do not end up in prison. It is a whole range of these services—NGOs, government services and the private sector.

THE CHAIR: Yes. I was going to say that we have had some questions from Mr Gupta in the past about recruitment and communication with multicultural communities, not just Aboriginal and Torres Strait Islander peoples. Do you want to go to that, Mr Gupta?

MR GUPTA: I will go to that. I just have a supplementary to your question.

THE CHAIR: Sure.

MR GUPTA: What have you got out of the data? How often do you review the data and what are the points taken to reduce the harm? Do you have any procedure in place that you have been analysing? Does somebody analyse the data?

Commissioner Kershaw: Sorry, what sort of data, sir, are you talking about?

MR GUPTA: You just mentioned crime prevention.

Commissioner Kershaw: Yes.

MR GUPTA: How often do you analyse the data that you are getting and how often do you act on that data? Has there been a reduction in crime?

Commissioner Kershaw: As police, we live in a data world, so we are constantly reviewing our data and seeing internally what we are recruiting with respect to diversity. It is not just gender equity; it is also the diversity of thought and people's different backgrounds, and how we better represent the society that we serve. In relation to crime data, we are often looking at particular repeat offenders. One of the chief police officer's missions is to reduce recidivism. Sadly, we know that the majority of people in the justice system are repeat offenders, and if you could break that cycle, it would lead to better outcomes.

When I became commissioner—I would like to think that this is a benefit for the ACT—we brought in a group to do 1,200 interviews of people in the different communities. Some were female only, some were ATSI, some were CALD groups and a whole range of people who did not like the police. We are getting a viewpoint and data around how we are viewed and how we can also appeal to different groups who can become part of the solution—can join us—and to look at what role they could play in helping us solve some of these complex issues. It was quite interesting to note that when people found out what the police actually do, some people who were a little bit anti-police were saying, “Actually, it sounds like an organisation that we would be interested in joining.”

I guess we have to change our messaging there and be quite targeted in our recruiting. As Neil said, we are pursuing some targets, which we are working on now. They will be aspirational. One of the things is that we need to start changing our demographic as a police force. We know that we can work with other organisations, and we are, and we will look at how we can improve our service delivery and be more representative of the community that we serve.

MR GUPTA: Commissioner, in your submission, on page 5.11 on the community and partner engagement, what other steps have you taken to reach out to the CALD community through your social media and the translated materials that you provide?

Dep Commissioner Gaughan: We have a community safety education and diversion team that represents the ACT at ACT Policing and a variety of multicultural events. I am sure that you have seen some of those police officers at those events. Again, it is about building that trust and that relationship. We have a fairly active social media team that gets out there and does some things too.

We do need to look at some of the issues around language. I will give you an undertaking that we will look at how we are communicating with people who do not have English as their first language. I think there is something in that that we can do some further work on. Unfortunately, during the pandemic we have been fairly limited by the amount of community engagement that we have been able to undertake. Some of the large-scale events where we would generally have pretty good

interactions with the community—I am thinking of things such as Skyfire and the Multicultural Festival—have been limited or, indeed, have been cancelled.

So there is a lot of work for us to do in the next 12 months to regain some of the ground that we have lost. We are hoping that now that we are in stage 2.2, about to go to stage 3, of pandemic restrictions, we will be able to do that. I just echo the commissioner's commentary earlier around the fact that we need to change our recruitment strategies to include people from all parts of the ACT community to come and work for us, because we need to represent the community that we police, and we cannot do that if we are all white, middle-aged men. So we just need to look at doing more there.

MR GUPTA: Yes. I understand that there is a lesson learned there, but what is ACT Policing now doing with the multicultural community which you will have under the new program? Do you have something like that lined up?

Dep Commissioner Gaughan: It is a work in progress for us. Certainly, there is some additional training and support and cultural connections training, which we have had 40 per cent of our sworn workforce already complete. One hundred and eighty frontline police officers had attended that training as of 2019. I am the first to admit that there is more to do, and there continues to be more that we can do. It is a start but we will continue to make sure that, through committee hearings such as this, we learn from others about what their expectations of ACT community policing are, and we will be able to put some of those to work in future times.

THE CHAIR: As a supplementary piece of information, to go with Mr Gupta's question, I served as the ACT's shadow minister for multicultural affairs. Seeing police at a couple of big events a year is great, but, in order to get to know the multicultural community, somebody will have to be at smaller events and be able to have conversations with smaller groups. Frankly, there are thousands of meetings of the multicultural communities all over Canberra every week, especially when the pandemic restrictions have been eased, and I have not seen a lot of deeper engagement. The relationships are not built with Joe Bloggs or Mr Smith, the local police officer, as much.

The feedback I get from police on the ground, as well as community members, consistently is that there are not enough police to be able to do that kind of work. That is why I want to go to my question about the number of police per 100,000. On page 9 of your submission, you talk about the number of police per 100,000 being 205 police. It is written as though it is something to be proud of. I understand that the government has been able to put together statistics that look good for the ACT, but it is well known in the ACT community that we are not swamped—let us put it politely—by police, and police do not always have time to do the things that the community expects them to. As a local member, I have often had to deal with people who have things like many hours of recorded video of drug deals going on. Police say to them, "We don't have time." With deeper, more meaningful things that take deeper investigation and that are not bikie crime, people struggle to get traction.

I know that there is also a statement in your submission that something that you are working on with the government is keeping pace with population growth, but, clearly,

that has not been occurring over the last 10 years. Do you have a number in mind for where you would like to get to? The national average is 278 police per 100,000. I accept that we do not have to staff country stations, like the Northern Territory does, but is there a number that you have in mind per 100,000?

Commissioner Kershaw: With policing, as you know, we are always looking at being efficient and innovative. We do not like normally to get into a numbers game. It is more about capability. One of the things that we are doing nationally—and, no doubt, the Chief Police Officer for the ACT will do the same—is moving the people where the work is.

THE CHAIR: What I am saying to you now is that there is a fairly consistent view in the community that the numbers are not there to do the work that is there, let alone moving people. I have spent the last two days ringing people in one particular suburb that has terrible crime issues. They know that there are not police to come; I know that there are not police to come. Even though you do not want to get into a numbers game, let us talk about what would be reasonable for this jurisdiction. You have this position newly, and it would be a great time to step things up.

Commissioner Kershaw: I was going to say that, with the important pieces there, one is that we do need to have people ring our call centre to make sure that they do log their crime, their concern and their complaint. They are all recorded. One thing that I really encourage the community to do is to make sure that you do make a complaint because then we can follow up. If we have not delivered the service that they are expecting, then at least we can have that conversation and address some of those issues. Also, as you would be aware, it is fantastic intelligence for us to understand what some of the challenges are in those particular suburbs.

Often, when we do investigate these sorts of matters, it is not a major issue, but it is for that individual. It is about the way that we communicate and connect up with the community, so that everyone understands what the expectations are. For example, are you going to have a police car turn up to your house for that particular matter? It is about what levels of service are expected by that individual. Some people in the community have different views on what police do.

Our role is to make sure that we are able to connect up and communicate those issues back to the community. We work for the community; we are the community's asset. For us it is about understanding what the issues are. If there is a suburb where there is a perception that it is out of control or there are not enough police, we would love to hear that. We will then deliver an appropriate response.

On top of that, we have a serious surge capacity that sits within the ACT. At any point in time, you have 1,500 sworn police officers actually in and around Canberra. We also have a special response group which is probably one of the best in Australia, if not the Southern Hemisphere, that is based here in the ACT. There are lots of specialist response services and surge capacity, should there be a need for that to occur.

I will give you an example. When we had COVID-19, we deployed those resources from national. There are not many police forces that have that additional capacity to

be able to surge when required—for free, I think it was. I have not sent a bill across, so you're welcome! The issue there is that—

THE CHAIR: It is fantastic for you to come and tell us that. That is great; but we also give away plenty of ACT local police officers to the Federal Police every year, who transfer into positions.

Commissioner Kershaw: You do; that is true.

THE CHAIR: So it is not as though it is a one-way street that we receive from the federal—

Commissioner Kershaw: No, it is not a one-way street; not at all. I am from the ACT police; a lot of us on the national side started here. We will always have the connection to community here, and we live here in the community as well. If you went around Australia and asked every police force or community, they would always want more police. It is one of those things in today's environment. We are finding that we need to understand the—

THE CHAIR: We have just lost the connection. We will go to a break and decide what to do.

Short suspension.

Commissioner Kershaw: I am sorry, chair. I do not know what happened there. It was not me; I did not disconnect.

Chair, to reassure you, we want to work with the community. We want to make sure that we are delivering the service that they expect. I think that is the issue. Often, you will find, in my experience, that they have not called our ops centre or our call centre. We encourage that because it gets recorded, they can get a proper reference number and they can make a complaint if they are not happy.

On top of that, I agree with you—and this is not just a challenge for ACT Policing but for every police force—about having those deeper connections into community. I am a fan of community policing, understanding a community and having more liaison officers so that people know who they can talk to. That is really important.

I appreciate the concerns of the people that are making complaints to you but I would also encourage them to contact us; or, through your office, we will go and meet with them. Whatever we need to do, we will do.

THE CHAIR: Commissioner, I am not so sure that they have not actually reported those things. The Canberra community, you are probably very aware, is a very educated and capable community. If they say to me that they are not satisfied, I take them at their word; but that is fine. Our scheduled time is at a close. Mr Gupta has a question to put on notice. We will send that to you.

MS CODY: Chair, I want to thank the Commissioner and the Deputy Commissioner for the community police liaison officer, Ms Scott, that was here in the Assembly. She

was a wonderful asset to the Assembly, and it was great having her here. I have heard that she has moved on to a new role; we are very sad and will miss her dreadfully.

Commissioner Kershaw: She is on camera here, very sad to be leaving. Thank you for those words.

THE CHAIR: Thank you very much for your attendance.

MANTHORPE, MR MICHAEL PSM, ACT Ombudsman, Office of the Commonwealth Ombudsman

PFITZNER, MR PAUL, Acting Deputy Ombudsman, Office of the Commonwealth Ombudsman

THE CHAIR: On behalf of the committee, I would like to welcome officers from the Ombudsman's office. Can I remind you of the protections and obligations entailed by parliamentary privilege, as set out in the form emailed to you? Can you please confirm for the record that you understand the implications of the statement?

Mr Manthorpe: Yes, I do.

Mr Pfitzner: Yes, I do.

THE CHAIR: We will now go to questions from the committee. Do you have any brief opening remarks that you want to make?

Mr Manthorpe: No. You have my submission. We do not have a lot of time, so I am very happy to take questions.

MS CODY: Do you think that the overall decrease in complaints received as a result of the efforts of ACT Policing and the AFP is because of some transparent and timely complaints handling process or do you think there is still work that needs to be done?

Mr Manthorpe: It is probably a good sign. I presume that you have picked up on the data that was in our submission?

MS CODY: Correct, yes.

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

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

MS CODY: In your dual role as both the ACT Ombudsman and the Commonwealth Ombudsman, does that allow you to provide robust and effective oversight of ACT Policing?

Mr Manthorpe: I think that it does, with respect to the aspects of their work that we

oversee. The fact that we see through both an ACT lens and a commonwealth lens means—and, of course, as you know, they are a commonwealth entity with an ACT arm—

MS CODY: Correct, yes.

Mr Manthorpe: that we are able to see how the headquarters of the AFP deals with complaints; how the headquarters of the AFP manages its responsibilities using surveillance devices, telephone intercepts and all of those covert responsibilities; and we are able to do thematic work that touches on both arms of the force. I think that that is helpful. We try to use that in a way that will provide both, in effect, the Legislative Assembly and the federal parliament with some assurance about all of that.

MR GUPTA: What has been the success of the CAP pilot project as a method of assuring agencies that complaint handling is working?

Mr Manthorpe: I think that it was quite a useful pilot project. We welcomed the fact that the ACT police were happy to engage in the project with us. It was a pilot project that we were running last year. We had a look at them, we had a look at one of the big departments at the commonwealth end and we also had a look at our own operations. We got someone independent of us to come in and look at how we deal with complaint handling ourselves.

We thought that the ACT AFP came up well in some respects. As I said before, they are quite responsive to complaints. The sorts of issues that we identified went to timeliness and conflict of interest. By conflict of interest, I mean that, if there is a complaint about a police officer, you need to have the investigating police officer to be well and truly at arm's length from that other person. Sometimes they were a bit close, perhaps, in a fairly small office. They are picking up that recommendation. I would not overstate it, but that was something that we spotted.

We also identified that, perhaps not unlike other law enforcement agencies in some states and territories, there are certain groups in the community that they could, perhaps, do more to reach out to and engage with. We particularly identified their accessibility to culturally and linguistically diverse people, as well as Aboriginal and Torres Strait Islander peoples. Those are themes that they have taken on board.

MR GUPTA: In your opinion, is the whole architecture of independent oversight correct or should it be more streamlined, perhaps through a single entity such as the Integrity Commission?

Mr Manthorpe: Sorry, I missed the last part of your question, Mr Gupta.

MR GUPTA: I suggested the Integrity Commission. Should we have a single entity, such as the Integrity Commission, or do we want the processes as they are at the moment, and streamline the processes?

Mr Manthorpe: The current architecture works well. We have a relationship with all of the other entities that are part of that architecture—the ACT Human Rights Commission, the newly formed ACT Integrity Commissioner, and the commonwealth

entities that are in this space. I refer to the Australian Commission for Law Enforcement Integrity, which has oversight of corruption matters at the AFP, the Australian Human Rights Commission and so on.

We are able to refer matters to each other. We each have a role to play. I think that the different oversight bodies bring a different lens, a different legislative framework and a different set of functions, but, basically, we work together quite well. The current settings, I think, are satisfactory.

THE CHAIR: Do you have a table or a methodology for working out simply what complaint belongs to whom?

Mr Manthorpe: A table?

THE CHAIR: Is there some system that you deploy in your relationship with all of those or is it more of a negotiation on one case or another?

Mr Manthorpe: I would not say that it is a negotiation. In the ACT we have responsibility for complaints about some entities and some topics, and the Human Rights Commission, for example, has responsibility for some other topics. For example, typically, complaints about children and young people, and the way in which the ACT entities deal with them, fall within the remit of the ACT Human Rights Commission. If we get complaints about that, we will typically refer that to them.

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

We do have something on our website that describes all of this. Going to your question, I am not sure that we have a table, but I think that we have some reasonably good information on our website.

THE CHAIR: Excuse my simple language, but the reality is that we have to present the information in our reports to the general public so that they can understand quite straightforwardly who deals with what.

Mr Manthorpe: Yes, absolutely. I do not have my fingertip on the website at the moment—

THE CHAIR: You can take it on notice; that will be fine.

Mr Manthorpe: I am happy to write a letter that points you to where you can find that information.

THE CHAIR: Thank you. I would like to have in our report something that made it simple and clear. I imagine that when people come into the new Assembly, they would probably like to understand this area that I have spent eight years trying to unpick myself.

Mr Manthorpe: Yes.

THE CHAIR: The only other thing that I can ask you is: do you report annually to the ACT Assembly on the cases that you deal with? Is that correct?

Mr Manthorpe: Yes. We include material about that in our annual report as well as our other functions, which we have not talked about so much today, about the oversight of the covert functions that—

THE CHAIR: Operations, yes. Do you want to give us a bit of info about that?

Mr Manthorpe: Sure. We have an oversight role with respect to ACT Policing's use of surveillance devices, telephone intercepts, their administration of the child sex offenders register, as well as their use of commonwealth powers in telephone intercepts, controlled operations and various things. Some of these are ACT powers, some of them are commonwealth powers, and we inspect and report about those. With respect to the ACT parts of that, we put information in our annual report about it. With respect to the commonwealth parts of that, we make reports to the commonwealth parliament and the commonwealth officers.

THE CHAIR: Am I correct in my understanding that that is tabled in the ACT Assembly?

Mr Manthorpe: Our annual report on the ACT, yes, absolutely.

THE CHAIR: We had a conversation with ACLEI that their ACT role could also be reported on and tabled in the ACT Assembly and there is an openness to that, but I do not think that occurs at present.

Mr Manthorpe: I do not think that it does either but—

THE CHAIR: Especially since we have set up our ICAC and there is this black hole of what happens with police in that space when we get our reports from ICAC, which are all, of course, carefully de-identified and so on. Some statistics about how many cases and of what severity and what the outcomes are would be good.

Mr Manthorpe: We certainly report that to the ACT Assembly in a form in our annual report every year and we appear before the estimates committee and so on.

MS CODY: You appear before the annual report hearings of committees as well, because I am pretty sure we see you there.

Mr Manthorpe: Yes, and from time to time in front of inquiries.

THE CHAIR: Such as this one?

Mr Manthorpe: We are only too happy to engage with the Assembly, absolutely.

MR GUPTA: How diverse is your staffing in the Ombudsman's office?

Mr Manthorpe: I would probably have to take the statistics on notice. We have strong gender diversity. In fact, we are a majority female operation, including at the senior executive level at the moment. In terms of all the diversity groups, I would have to take that on notice, and I am happy to do that.

THE CHAIR: That would be great. At this point I thank you very much for coming and for answering our questions, for completeness. It has been really good to have you here as well. I just let you know that, if you can, we would love answers to questions on notice within five days of you receiving the proof transcript of the hearing.

Mr Manthorpe: That should be fine. We can do that.

THE CHAIR: Thank you so much for your appearance today. We will go to a short break while we get prepared for the next person.

Short suspension.

BUCKLEY, MR BOB, Chair, Speaking Out for Autism Spectrum Disorder

THE CHAIR: On behalf of the committee, I now welcome Bob Buckley of Speaking Out for Autism Spectrum Disorder, or SOFASD, to discuss the submission that they have made on matters that the committee is dealing with. I remind you of the protections and obligations entailed by parliamentary privilege as set out in the privilege statement emailed to you. Can you confirm for the record that you understand the implications of the privilege statement?

Mr Buckley: Yes, I understand it as well as a non-lawyer can.

THE CHAIR: Do you have an opening statement?

Mr Buckley: I have got a few brief remarks.

THE CHAIR: Go ahead.

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

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

The big problem is that the ACT has a chronic lack of support for autistic people in the mental health sector. We have written to various politicians about that but they seem to have completely dropped the ball, completely and utterly dropped the ball.

The police have not really undertaken any training. More than 10 years ago the autism association offered some advice and support. A few police in the Belconnen police station took that up at the time. Since then the Ambulance Service has been the only emergency services group that has taken up—

THE CHAIR: Regular—

Mr Buckley: Not even regular, just occasionally, just a few bits of training. Incidentally, they are not particularly impressed with the way that the police handle situations, it is worth noting. We have raised the issue with the minister, as stated in our submission, who said that the police are trained. We FOI-ed all the training. There is none. The minister provided us with quite inaccurate information and made false claims about what is actually going on. We are really quite concerned about this.

I will finish by saying that some police are really, really good but when it goes wrong,

it can go really, really wrong. We want the situation fixed so that a much better situation and a more reliable situation is experienced by autistic people in the ACT.

THE CHAIR: I am very interested in the introduction that you have given. I am a mother of two children with autism, out of my six, and I know that people often misunderstand them and they often misunderstand other people too when sarcasm or exaggeration is involved, for example. You will be interested to know—you may not have heard—that the police, when giving evidence to us earlier today, when we were questioning them as the first set of people appearing in this hearing today, stated that they started a round of training in February, I think it was, of this year, around ASD.

MS CODY: On 17 February.

THE CHAIR: On 17 February they started. They said that they accept and admit that they have not been very good in this area and need to undertake more training. The two people who appeared before us were the Commissioner for the AFP and the Deputy Commissioner, who is the new Chief Police Officer, who were not here 10 years ago. They accept and admit that they need to improve in this area. They have commenced some training. We did ask, I think, whether there was any interaction with ACT bodies involved in that training or whether that was just off the shelf. I think that there is scope for more interaction with ACT bodies for sure, but this hearing should be able to certainly put a focus on that.

My question to you then is: if the police wanted to have a conversation about this, a new one, is your organisation willing to review, perhaps, the training that is being provided or sit through one session, and understand it and provide constructive feedback to the police?

Mr Buckley: I think that the first piece of constructive feedback is that, before you even start doing these things, talk about what you should be doing, what the objectives should be, what the purpose of it is and who might be appropriate. Having those kinds of conversations from the start might mean that you are on the same page.

THE CHAIR: I cannot tell you exactly what training has been commenced and neither can you.

Mr Buckley: No.

THE CHAIR: We probably need to know what it is before we know whether it is going to fix the issue or not. It may be some sort of program that has been successful elsewhere, I just cannot say, but I certainly would like to make some recommendations out of this hearing that the police can follow up with and that are practical and give them an opportunity to catch up, let us say.

Mr Buckley: I think I can categorically say that they have not reached out to the autism community to find out what needs to be done. There is a saying that you hear a bit in the disability sector that is “nothing about us without us”. Engaging in contracting people to do this sort of training without talking to the community is pretty offensive, to be frank. It really shows that they do not understand stakeholder engagement at all and they are quite happy to continue doing the same sorts of things.

In fact, I can say this about the public service, both at the ACT level and the commonwealth level: the level of stakeholder engagement in recent years has dropped alarmingly, to the point that the lack of it is really offensive to the people with disability.

THE CHAIR: I know that some people with autism have resorted to wearing t-shirts that say “Autism is my superpower”, to make it clear to people that they are engaging with what is going on, but there must be a better way of having more people and more professionals as frontline service personnel aware of how to assess that someone they are talking to is not neurotypical and what types of communication tools would work best with that person.

Mr Buckley: In many cases, these people are not out there alone, but we observe that the police simply refuse to take any advice or input from the people that they are with. They simply refuse to accept advice or information. That would just be a starter in many cases because most autistic people are severely disabled. The data tells us that around two in every three have a severe disability, which means a severe communication disability. Their ability to even understand that a t-shirt like you describe says something about them is actually quite limited.

THE CHAIR: They are often not out and about alone if they are in that situation.

Mr Buckley: That is correct, but if they are and things go wrong and the police turn up—they do not even have to know what to do—what they need to be able to do is respect people in the community who do know what to do and, instead of leaping in and just firing up the whole thing into a situation that is really dangerous for everybody, they should listen. It is not actually that difficult, in most cases, to actually just back off, clear everything out a bit, just give it some space and some time to settle down rather than yelling orders and demanding things repeatedly, loudly and persistently. These people often just do not even understand the instructions that they are described as not adhering to.

THE CHAIR: I will move to Ms Cody but I would love to come back to the type of language that should be used to get the best outcomes. I want all committee members to have a good chance to ask you questions.

MS CODY: I, too, am a mother of an autistic child. He is almost 23 now. He is pretty good. I just want to touch base with you and talk to you about, maybe, what you see in other jurisdictions when it comes to policing. Part of this inquiry is looking at the MOU between ACT Policing and the AFP and whether that is the best model for the ACT to use. I want to know if you have interacted with other jurisdictions to see how policing works in other jurisdictions. Is there a police force within the Australian jurisdictions that is maybe a little better in dealing with people with autism or neurodevelopmental disorders?

Mr Buckley: As the convener of Autism Aspergers Advocacy Australia, I also head up not only the ACT group but the federal group; but I really do not have any contact with other police agencies in this country and I am not particularly aware that overseas there are particularly good efforts in this area either.

There are big problems around what supports, services and things are needed for adults with autism. It is really a grossly neglected area; and I can say that even research in this space is extremely limited and very poor. We have a massive underdiagnosis of adults with autism around the world. It is true in Australia. There is no plan to fix that. We are trying to do something. We need to think about it. It is a big problem and I really do not have anything to offer in terms of models to look at or places to see where it works better.

MS CODY: I have been asking a lot of people about neurodevelopmental disorders and things—and thank you so much for joining us—but I wanted to look at whether there were other jurisdictions doing it better than the current model. I am sure that we could talk all day about autism spectrum disorder but I wanted to stick to the subject. Thank you so much.

MR GUPTA: Thank you, Mr Buckley, for taking the time. I have a question following on from what Ms Cody and Mrs Jones were saying. Do you have any recommendations about the kind of training or any recommendation for a better interaction with the police arresting people or the frequency?

Mr Buckley: Firstly, we need some training. That would be a significant start. It really would be appropriate to have the autistic community involved in what that training is, because you can just pull a whole raft of these things out of the air, and some of it is really not very good. We see that in the education sector where, in Victoria, they were using martial arts people to train teachers in how to deal with autistic people. That is completely and utterly inappropriate, but if you do not talk to the community about what sorts of services and what sorts of training and things should be done, and what purposes it should have, then you end up with that kind of situation.

The difficulty is that there is not yet a strong research base on which to base this. It is worse than that in this country because one of the diagnostic criteria for autism is that there are behaviour abnormalities of some kind, and the whole area of behaviour specialists in Australia is largely unregulated. Training in this country in that space is abysmal, if not absent. So we really do have a big problem around the fact that we do not register behaviour specialists; we do not train them. If you want to be a registered behaviour specialist in this country, you have to register with an international organisation because there is no national registration. There is certainly no ACT registration for behaviour specialists. A lot of what we are dealing with here is challenging issues around behaviour, often when people are trying to communicate in non-typical ways.

MR GUPTA: Okay, thank you.

THE CHAIR: Mr Buckley, there will be people watching our hearing who would like to imagine what it could be like if it was working well. I know, based on the questions you have already been asked, that you do not have a particular model to point to, but can you give us some examples of how an interaction between a police person and someone with a significant autism situation could go well? Can you paint the picture of what it would look like if it was going well, in your view as an expert in

this field?

Mr Buckley: Well, I am not an expert.

THE CHAIR: Let's say that you are an expert at the difficulties faced by these people. I am asking you to throw me a bone here. What does it look like when it is going well?

Mr Buckley: A situation may arise where somebody who is autistic is out in the community. They may be startled or frightened or something happens that means that they react in an unexpected way or in a way that other people see as different and threatening in most cases. Generally, if people then run around and say, "You can't do that," or start yelling at them, which is what typically happens, the whole thing just escalates and the person is likely to be extremely frustrated that they cannot communicate how they are feeling and what they want to do. They may not be allowed to do what they want to do. It may not be appropriate for them to do what they want to do, but the whole thing escalates because they are not allowed, and they are not given the space to back off and settle down. Everybody around them just ramps it up. There is more noise and there is more frustration, yelling, and all of that sort of stuff.

If, somehow, we can get people to give them a bit of space—maybe allow them to go somewhere quieter, less stressful with less sensory impact, and give them the time to do that—then the whole thing will calm down and settle down and it will just go away as if nothing happened. But if everybody runs around wanting to make their own response to this—to be part of it, demanding that things get done and yelling at people in a way that the person is not even going to understand what they are saying in most cases—then they are going to respond by getting louder and more aggressive, and the whole thing is just going to get out of hand. So the point—

THE CHAIR: That is not just people who are on the autism spectrum. That could be positive in many situations—perhaps not in every situation, but possibly even in the majority of situations. It is something certainly worth investigating. People do need to be held to account. I understand that, and that is why we have our police. We need to retain order, and other people are afraid. That does happen as well.

This reminds me of an incident at a community group that I was at earlier this year, where someone was totally misunderstood. They were thought to be a man when they were, in fact, a woman. They were thought to be being purposely disruptive when, in fact, they were just saying what they thought, but it was just against the expectations of the room. They were manhandled, a bit, out of the room. I asked the people to leave them alone. Then I had a quiet conversation with them, and we unpicked what was going on. It is possible that I could do that because of personal experience with mental health in my own family. I was quite distressed by what I was seeing. So was the person involved. So I understand exactly what you are talking about.

The question is how to communicate that, not only to the police but to the broader community as well. I certainly worry about my children when they grow up and how they will be understood or not. They are probably not at the most severe end of the spectrum, but they certainly can be misunderstood. I often say about mental health

matters, and whether you are neurotypical or not, that we do not have a “stop, drop, and roll” as we do if you are on fire, but perhaps we need something like that. It would be “stop, take a step back, and listen,” or something. That might change things for everybody in this circumstance in our community.

Mr Buckley: When our children are in school there is a huge opportunity to teach them some of this stuff. My son was in a school and a very unusual thing happened. He was taught about what happens when you go to a dentist or when you go to a doctor, and he was taught it at the right time. He and the other children in his class were subject to a stethoscope. They were shown what can happen in teeth cleaning and things like that when you go to a dentist. They were also taught, “When you are stressed, we are going to teach you how to do deep breathing.” It is hard to have a tantrum while you are slowing down your breathing.

If you teach people how to do these things in non-stressed situations and help them learn how to deploy those kinds of tactics when life is a bit more stressed—and, progressively, as it gets more stressed—then you are much more likely to have success. The problem is that virtually nobody teaches this kind of material. We did that because we had overseas experts coming and guiding our programs, but we do not have that kind of expertise anywhere in Australia teaching children to do that.

THE CHAIR: I think that there have been some steps in this direction through the NDIS. That has been my personal experience at the moment, through occupational therapists, but it is a difficult task for a lot of people to even understand or unpick which type of professional does what for a child with sensory or processing issues. I will see if the other committee members have any further questions; I could go on all day. Ms Cody, do you have any?

MS CODY: I just wanted to add that, as I said, my son will be 23 in a couple of months and that is exactly how he was taught to control himself—deep breathing. That was many years ago and that was here in the ACT, both at school and through the government-run psychologists, OTs and the numerous people we saw day in, day out. Even today, he still uses deep breathing as a mechanism to cope.

THE CHAIR: It is interesting; I was in an appointment only yesterday and we were being told about practising calming in a safe place at home so that you can then shut your eyes in another environment and imagine that you are there, and that your body can actually respond quite well. So perhaps we just do not necessarily know where to go for people. It has taken me a couple of years to find this advice myself, and I am sure Ms Cody would understand the frustrations involved.

Mr Buckley: My son is 29 now, so I have been around this for a while. I have seen a few people do it.

THE CHAIR: Yes, but it is not that easy to unpick what is required. I guess that the professionals like the police have the same problem, in a way. They do not necessarily know where to go for the advice, but I am glad you are here today, because that gives us a bridge to recommend that they talk more to you and your organisation. I have put on notice a question to the police to ask them for the syllabus of the training that they are providing as of February 17. I want to know what is in that, what it intends to

achieve and what the measurable outcomes are. I have just written that up while we have been speaking, so I will get that on the questions to the police today, and we will hear back from them in about a week.

Mr Buckley: I have one other comment that I would make, having heard the Ombudsman's thing. From our community, I would never tell somebody to even raise a complaint about an issue. The complaints process is totally dysfunctional. It does not work for us at all. If you want to fix things, it would be good to have an external complaints process. Having the police do it is pointless.

THE CHAIR: Yes. That is really interesting feedback. It is certainly something that we can make recommendations on. Obviously, we do not completely control it, but the whole point of this inquiry is to look at these things. Mr Gupta, do you have any further questions for Mr Buckley?

MR GUPTA: No, I am good, chair. Thank you so much.

THE CHAIR: Okay. On that complaints process, again, I am going to ask you an imagination question. Can you imagine what it would be like if it went well? Is there any scope for an independent body to collect complaints and then have a bridge to the police to bring them to the police in some sort of formalised manner? The police themselves cannot very much set this up for themselves, given that then it is an internal business, if you know what I mean.

Mr Buckley: I do not need to imagine it. I know what a good complaints process looks like. A good complaints process is really about improving the system. It needs to be people collecting things that go wrong, recognising that things have gone wrong, trying to identify what things are going to make it work better, and then following up, after a significant period of time, to see that the changes that were required—and those changes need to be required from the top of the organisation—have occurred and been maintained. It is really quite simple.

THE CHAIR: So there is a feedback loop about what has changed and that it is permanent, not temporary?

Mr Buckley: Yes. Well, it is first recognising the problem. In most cases—the police and the NDIS are classic examples of this—the complaints process is there to justify what they are doing. You put a complaint in, and they spend their time figuring out why you are wrong and they are right. That is never the case, because every complaint—

THE CHAIR: It is also potentially further damaging, is it not?

Mr Buckley: It is very damaging, and it leads to the situation that we have now where there is just no point in complaining.

THE CHAIR: Yes. That is really good feedback for us to hear. Because then it does not really matter what your complaint statistics are, it is the un-complained complaints that are the biggest problem that you have to deal with.

Mr Buckley: Well, it is the lack of improvement and progress in that area that I see as being the big challenge. People talk continuously—

THE CHAIR: So a good process would recognise the problem, would implement change, and then would have a feedback loop about that change. Is that right?

Mr Buckley: Yes.

THE CHAIR: Well, I will put it in a recommendation.

Mr Buckley: Thank you; that would be great.

THE CHAIR: I think that sometimes you cannot be too straightforward about these things. It also means that a future committee could ask whether these things have been implemented, and I think that would give us some hope of long-term improvement. That is all we have for you today, Mr Buckley. I do not think that you have taken any questions on notice, so we will leave it at that. Thank you so much for giving us your time and expertise. I am sure that there are many people out there who are navigating the world on the autism spectrum who would appreciate the improvements that you are trying to see.

Mr Buckley: That is what we are about. Thank you.

THE CHAIR: Thank you. We will go to a break for a minute and prepare for the next person.

Short suspension.

HUMPHRIES, MR GARY AO

THE CHAIR: On behalf of the committee, I would like to welcome Mr Gary Humphries AO, to discuss his submission with the committee. I remind him of the protections and obligations entitled by parliamentary privilege, as per the statement emailed to him, and which I am sure he has seen many times. Can I confirm for the record that you understand the privilege statement and the obligations of the statement?

Mr Humphries: Yes, I do.

THE CHAIR: Do you have any opening remarks, Mr Humphries?

Mr Humphries: Only very briefly. As members will see, the submission that I have made is essentially a historical overview of the relationship between the ACT and the AFP. The one key point that I would extract from it is that in 1989 the commonwealth could not wait to unload all of the apparatus of ACT administration onto this new ACT government—except for one thing, and that was policing operations.

I think the reason that they did not consider then, and in subsequent years have not ever considered, giving up that role in the ACT, is because the commonwealth, and particularly the AFP as an organisation, needs the ACT. It needs the capacity to provide on-the-beat policing experience to its members. The ACT should be empowered by the knowledge that that relationship is a two-way street. There is some leverage which is afforded to the ACT by virtue of the fact that the commonwealth does need a relationship with policing in the territory. That should help us to strike a reasonably good bargain in the future as to what services we get from the AFP, and what it costs us to get those services.

THE CHAIR: Yes, thank you, Mr Humphries. I understand what you are saying, but given that both Tasmania and the Northern Territory have small populations—certainly Tasmania has a smaller population than the ACT—is it reasonable for the ACT community to think that one day they will have their own police force and that it will be managed by the ACT Minister for Police? As we talk about growing up as a jurisdiction, will that have to occur one day?

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

THE CHAIR: Yes.

Mr Humphries: That is a major benefit for the territory, but it does come at a cost. We have to ask ourselves, at any given moment, is that cost actually worth paying at that level? My view is that the appropriate thing to do is for us to test this proposition

from time to time. As I mentioned, in 1996-97 or thereabouts, I did undertake an informal examination of whether we could do better by ourselves. I came to the view, at that stage, and recommended to the cabinet then, that we were better off staying with the AFP; but I do not think that it hurts to explore that question on a regular basis. I also do not think that it hurts for the AFP to know that we, the territory, are exploring that question on a regular basis, because there are advantages from separation. We do get greater control. We do know exactly where the dollars are being spent.

THE CHAIR: Yes.

Mr Humphries: I was frustrated, from time to time, about not having a good fix on what was being done with the AFP resources in the territory. Those resources are pulled out, pretty much, as required by the commonwealth's needs from time to time. The best example is during major demonstrations, where they need bodies to protect commonwealth assets. They will take police off the beat in Tuggeranong or Belconnen and put them outside Parliament House or whatever. We do get some pluses out of greater control, and we can explore what the costs and benefits of those pluses might be. The question is a movable feast, in short, and we should never assume that the answer is always to stick with the commonwealth.

THE CHAIR: Yes, okay. The last thing I wanted to raise with you regards mental health. One of the concerns that has been raised with me on a regular basis over the years in this place is modernisation of mental health care for frontline service personnel, in particular the police, who suffer greatly after stress and shock and difficult situations that they have been in. It is not unusual, either, for ambulance and firefighters and so on, as well. If we wanted to modernise the ACT's response to mental health in the police force, but it is an intrinsically enmeshed part of the AFP, and if the AFP is not keen to change in a way that an ACT minister wanted to see that change, how could that be achieved? Would that need to be by some further separation of the two, even if they were still the same body? Can you imagine any way that that could be achieved?

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

So, clearly, there is a problem. To be frank with you, my perception is that there is quite a tough and uncompromising approach towards injured workers in the AFP. Certainly, many injured police officers consider that to complain of injury, physical or mental, marks them out as somebody who cannot be trusted, cannot be relied upon, and can put a serious question mark over their future career. As a result, people tend

not to do it unless it is absolutely critical that they get attention to their needs. That is one of those things that we do not get the visibility over because of the fact that the AFP is run as a federal entity.

THE CHAIR: Indeed.

Mr Humphries: Now, whether we could do better in the local context of course depends on how well we focus on that issue. I think it would be true to say, broadly speaking, that we probably could not do much worse than we do in the context of the present arrangements.

THE CHAIR: Well, I guess that there is some hope there for the future.

MR GUPTA: In 1990 the ACT became a purchaser of services from the AFP. What benefit does the current purchase agreement provide ACT Policing in terms of accessing support and services from the AFP nationally?

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

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

MR GUPTA: So it could be time to explore with fresh eyes?

Mr Humphries: Yes, I think so.

MS CODY: You mentioned before the brief look that you had at whether we should leave the AFP or stay, and that at the time it was more palatable or better—whatever words you used; I cannot remember—to stay as an arm of the AFP. We cannot make our own rules on a few different things, euthanasia being one of them. We cannot have our own police force. We cannot have our own military. So, surely, there would have to be a commonwealth change as well as an appetite to move away from the AFP?

Mr Humphries: That is quite true. The Australian Federal Police Act specifies, in

section 8, that the AFP are responsible for policing the territory. We cannot break away unilaterally. We would have to get the approval of the commonwealth to repeal section 8 to allow the ACT to move into its own arrangements for policing. For the reasons that I mentioned in the submission and that I summarised briefly at the outset, they would be reluctant to do that, because they would lose a very important function out of that.

THE CHAIR: Well, they [*Interruption in sound recording—*] from us.

Mr Humphries: Yes, that's right.

THE CHAIR: Yes, we are their training ground.

Mr Humphries: That is right. Some police forces—I suppose bodies like the FBI in the United States and so on—are essentially federal police forces that do not get involved in walking the beat or doing the sorts of things that police officers do in local communities, and they survive with that model; but I take the view that a good police officer should be an all-round individual, should be able to do all the things that we expect of a good police officer, have good community engagement skills, as well as being able to handle himself or herself in a brawl or whatever. We cannot do those things if we do not have those opportunities for a rounded experience.

So, all in all, there is a lot to be said for us exchanging with the AFP at the national and, indeed, international level. Do not forget that many ACT police officers get to go to Cyprus, or to other AFP posts around the world. That is a very valuable experience which enriches the policing services offered in the territory. So there are all sorts of issues to consider in that equation. We cannot do it unilaterally. We would have to say to the commonwealth, “We are determined to move away.” I suppose that if they were bloody-minded, they could say, “No, you're sticking with us.” But, of course, we have to pay the bill. It occurred to me that if—

THE CHAIR: Perhaps we could stop paying the bill?

Mr Humphries: Indeed. Or you could say, for argument's sake, “We've decided that for next year we only need five police officers to man so-and-so desk in Civic, and that is all we need to pay for, thank you very much. We'll take care of the rest of the needs ourselves.” Let us hope that it does not come to that; but, as I said—

THE CHAIR: It is a very interesting concept, is it not?

Mr Humphries: Indeed. I think it is worth pushing the envelope every now and again. We must remind them that we are a very educated, articulate electorate. What might wash in other parts of Australia in terms of the cop on the beat does not necessarily wash here. People expect a level of sophistication in the nature of the services that they get. We are entitled to say that we want something special, something that suits the needs of the ACT community, and we want to see whether that is best provided by the commonwealth, but we are prepared to explore alternatives. If they know that we are willing to do that, then I think that we are at least better able to drive a reasonably hard bargain when it comes to getting what we need and paying the cost of that.

MS CODY: Yes, and, as you said, it is the pushing of the envelope. I assure you, Mr Humphries, I am very good at doing that. So—

THE CHAIR: Both Ms Cody and I are very comfortable with pushing the envelope.

MS CODY: Correct, Mrs Jones.

Mr Humphries: It is best advised for me not to comment on that observation.

THE CHAIR: Mr Humphries, we will not keep you all day. Thank you so much for your historical submission. It gives a certain perspective that would have been hard for us to get otherwise. I think that the story of the start of the ACT Assembly is something that we all need to learn more about. I look forward to any more information that you are able to put into the community over the next few years about that, because it is something that few people have studied and have knowledge of. Thank you so much for appearing and giving us your view.

Mr Humphries: Thank you for that. I am, in fact, in the process of providing that extra information in the form of a thesis, being written at the ANU, on the history of ACT self-government. So “Watch this space” is the response to that.

THE CHAIR: Thanks again for availing us of that expertise. We were not there at the time but perhaps you were.

Any questions taken on notice need to be provided within five business days of receipt of the proof *Hansard*. On behalf of the committee, I thank all for attending and participating today. When it is available, a proof transcript will be forwarded to witnesses to provide an opportunity to check and suggest any corrections to what has been typed.

The committee adjourned at 5.08 pm.