

Community Policing—an ACT Perspective

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Before outlining the community policing strategy and its operation within the Australian Capital Territory a brief background will be provided.

Many of you know that the ACT is the latest self-governing entity in Australia. It is a city state of approximately 300,000 inhabitants—two-thirds the population of Tasmania and four times that of the Northern Territory—with all the usual Departments of state and the full spectrum of law and order issues. As the seat of national government the ACT community is probably the most politically aware, homogeneous population in Australia. By way of example at the March 1989 Assembly elections the people elected three main groupings with practically the same number of seats: the Labour Party, the Liberal Party and the Residents Rally, of which I am the Leader, a community based urban green party. As is well known, some other independents including a few ostensibly opposed to self-government were sworn in. Three of these independents opposed to high cost local government joined the Liberal Party and the Residents Rally to take office. Ours is therefore a Liberal-Community Alliance—neither politically conservative nor doctrinaire left.

Thus the initiative taken prior to self-government for the creation of community based policing simply reflected a prevailing community viewpoint in our Canberra psyche. Canberra is different. We have created not only a new Australian political model but different administrative structures to complement this—one such example being the emphasis on community-driven policing.

Legislative Developments

Some of the legislative developments enabling self-government in the ACT will now be summarised. ACT self-government was provided for under a series of Commonwealth Acts, including the *Australian Capital Territory (Self-Government) Act 1988* (No. 106) and the *ACT Self-Government (Consequential Provisions) Act 1988* (No. 109). The first of these Acts focused on the machinery of government provisions of the Legislative Assembly and the Executive. The second Act focused on the transitional arrangements for the transfer of assets and services between the Commonwealth and the ACT. In Schedule

5 of the *ACT Self-Government (Consequential Provisions) Act*, section 8 of the *Australian Federal Police Act 1979* was amended to include subsections (1A) and (1B), which read:

The Minister and the Australian Capital Territory may enter into arrangements for the provision of the police services in relation to the Australian Capital Territory that are in respect of Territory functions as defined by section 3 of the *ACT Self-Government (Consequential Provisions) Act 1988*, and, where the arrangements have been entered into, the provision of those services shall be in accordance with the arrangements.

The Minister shall try to enter into the first such arrangements before 1 July 1990.

The initial expectation, and eventual result, was that the ACT police services would be provided on a cost-recovery basis by the Australian Federal Police (AFP). In late October-early November 1988, the late Assistant Commissioner Colin Winchester, then of the ACT Command of the AFP, led a study team to assess contract policing in Canada. Mr Winchester was accompanied by representatives of the Commonwealth Attorney-General's Department, the Australian Federal Police Association (AFPA) and the ACT Government Law Office. Discussions took place with both police and government officials, in order to assess all aspects of contract policing, as it applied in Canada, and to a lesser extent in the United States of America.

Before 1 July 1990, the ACT Government assessed that it had really two options, from which to choose:

- seek to negotiate with another government for the provision of police services on a contract basis (realistically, this option was limited to using either the AFP or NSW Police); or
- set up an autonomous ACT Police Service. To minimise any hasty choices and aid in transition, the AFP would continue to provide ACT police services.

Furthermore, under section 59 of the *Australian Capital Territory (Self-Government) Act*, the ACT was not liable to bear any part of the cost of matters that continue to be Commonwealth responsibilities. Not altogether surprisingly, the Commonwealth Government, through two of its Ministers, clearly indicated a preference for the first of the two options and furthermore, that this contract policing would be performed by the AFP, on a similar basis to the Canadian model.

The Canadian Model

Consultation is the centrepiece of both the Canadian and ACT contract policing systems. As far as could be ascertained, the Canadian policing contracts appear to address all significant issues and, generally speaking, they seem to work quite well, through the prevailing spirit of cooperation and political goodwill, which in turn seems to be actively promoted by the respective parties. Nevertheless, there are some problematic features. One example, of considerable, practical significance, is defining—what is law enforcement? Currently, the definition of enforcement is imprecise, but there is a perception that it does not extend to some aspects of community policing (for example, police programs involving schools or crime prevention strategies). This can lead to frustration of local policies, when requests for initiatives of this kind are declined on the basis that resources are not available and furthermore, they are not in the purview of the contract in any event.

Despite any shortcomings, the Canadian provincial and municipal officials consulted seemed to feel comfortable about the level and standard of policing input provided by the contracted police services. Importantly, they indicated that it satisfied political and community needs.

The Australian Situation

From an Australian perspective, where there are eight police services (namely, the AFP, six state police and the Northern Territory Police Services)—and until the Commonwealth/ACT arrangement, no contract policing—the Canadian policing picture may look confusing and hard to grasp. Yet despite the multiplicity of municipal jurisdictions and the potential problems in relation to cross-boundary law enforcement activities, there is a high degree of cooperation amongst the various police forces in relation to the sharing of information and intelligence, as well as facilitation of investigations and other forms of police activity. There are also legal processes designed to deal effectively with cross-jurisdictional issues, such as extraditions.

The underlying principle of community policing is that local authorities should be responsible for policing of the areas under their jurisdiction. This is to be contrasted with the situation in Australia, where our monolithic police forces cover vast geographical areas and tend to be detached, as police forces, from the communities they serve. As in many areas of government in Australia, a focus on state and territory boundaries camouflages a huge diversity of cultural, economic and community concerns that cannot be adequately addressed from a jurisdictional headquarter. The ACT Government overseeing a smaller geographic area can address some of the problems created by the 'tyranny of distance', a considerable burden for our counterparts.

The ACT Position

Following a long lead time and careful investigation of the alternatives, the Minister for Justice and Consumer Affairs, Senator Michael Tate, and I signed an arrangement for the provision of police services in the ACT from 1 July 1990. This arrangement was the product of extensive negotiations between the ACT and the Commonwealth. It provides a sound basis for the ACT to work with the Commonwealth to ensure that the high standard of policing in the ACT is maintained, and that the police continue to be responsive to the needs and concerns of the community. In 1990-91, the cost for the provision of ACT policing services was approximately \$54 million and was budget neutral to the ACT Government, due to the Federal-ACT transitional financial arrangements. Subsequently, the arrangement provides for the Commonwealth Grants Commission to assess funding compensation, where the costs (such as salaries and conditions of employment) of policing services exceeds state levels and the excess is attributable to the Commonwealth.

Although the day-to-day operational responsibility for policing the ACT rests with the AFP Commissioner, the arrangement amongst other things does provide for the following:

- regular consultation between the ACT Minister and the Chief Police Officer of the ACT on priorities and resource allocations;
- the ACT Minister to request information and reports from the Chief Police Officer; and
- revenue derived from police services to be carried to the ACT.

The arrangement provides that the goals and objectives to be pursued by the AFP are:

- to provide police services to make the ACT a safe and peaceful place in which to work, live and visit; and
- to provide a high quality, responsive police service to the ACT community.

These police services include:

- protection of persons and property;
- crime prevention and detection;
- maintaining peace and good order;
- enforcement of ACT laws;
- development and maintenance of community participation in the provision of police services; and
- being responsive to community needs in the provision of police services.

AFP resources deployed to ACT policing include over 660 personnel, together with the necessary infrastructure to support those personnel. The assets to be transferred to the ACT include the four police stations at City, Woden, Belconnen and Tuggeranong, together with the City Shopfront adjacent to Garema Place and the Sutton Driver Training facility.

This arrangement provides the ACT with a sound basis for working with the Commonwealth, to ensure that the AFP meets its goals, objectives and priorities and is responsive to the needs of the ACT community. The Alliance Government opted for this type of arrangement, when it became clear that the alternative, namely the creation of an independent police force/service, was impractical and financially imprudent, pending the transition and the outcome of the Report of the Grants Commission Enquiry.

As Minister responsible for ACT policing policy, I welcome the AFP to their revised community policing role within the ACT. The stated objective of the AFP in the ACT is to continue to improve the quality and responsiveness of police services provided to the community. The strategies which the AFP is implementing to achieve this objective are:

- to reinforce the role of the patrol officer as the cornerstone of operational policy of the ACT Region;
- to establish a regionalised organisation framework which enables the decentralisation of police services to take them as close as possible to the community;
- to develop a major crime plan which will enable the Region to respond quickly and effectively to serious crime committed in the ACT;
- to improve management, administration and operational services to provide a sound basis of support to operational activities;
- to improve community liaison and develop effective consultative mechanisms with the ACT Government; and
- to improve driver attitude, and reduce death and injury on ACT roads.

The region is controlled by an Assistant Commissioner, who is supported by 25 Commissioned Officers, 663 other members and 48 staff members. More specialised support is provided by AFP headquarters (National) Units.

The AFP's commitment to community policing in the ACT is demonstrated by the formation of the specialist Community Policing Branch. This Branch is responsible for the provision of specific support to the Assistant Commissioner for the coordination, facilitation and oversight of the implementation of community based policing policy in the ACT.

This Branch comprises three sections: Crime Prevention; Public Relations; and Planning and Research. In addition, the Branch also coordinates all community based policing activities in the ACT, as well as representing the AFP on various committees, and support groups. Some of these are the: Domestic Violence Crisis Service, Royal Commission into Aboriginal Deaths in Custody; Vulnerability of the Aged; Healthy Cities Project; Children in Need of Care; and Neighbourhood Watch.

Coordination of community policing matters is achieved through interaction between these headquarters and district community policing personnel located at the various police stations. The Sergeants in Charge at these stations are responsible for a number of community policing programs, such as Neighbourhood Watch (which represents one of the widest coverages in Australia), Business Watch (being trialled at Woden); and Juvenile Aid. In addition following training, two AFP officers will be deployed at two ACT High Schools.

The AFP in its recent (May 1990) report entitled, *An Evaluation of the ACT Region* has demonstrated its commitment to reviewing past and improving present AFP services operating in the ACT. Both effectiveness and efficiency of program delivery is scrutinised showing the costs and benefits to the community in the provision of police services within the ACT. Still more recently a social and community research report entitled, *Community Policing Strategy Monitor, April-June 1990* was released in August. The report describes the initial results of a survey commissioned to assist the ACT Region of the Australian Federal Police to better understand community fears and concerns about crime. As a general statement, the AFP's community policing strategy is on target. The report examines the first three months of a two-year study being undertaken by consultants, Frank Small and Associates, for the ACT's Chief Police Officer, Assistant Commissioner Brian Bates.

The ACT community policing strategy aims to increase the feeling of safety and security in the community by giving priority to crime prevention and detection programs, as well as maintaining rapid operational response capabilities. It is also important to improve interaction between police and the ACT community. The results of the survey have highlighted that weaknesses do exist and these will be progressively addressed through a number of suggestions raised by the consultants and public alike. These included: directive patrolling, where police would walk the streets, introduce themselves to residents and invite comment on likely crime concerns; attending meetings and discussions with specific groups of people, who have very high fears or concerns about crime, for example the aged and/or women; putting more effective time and effort into the setting up and maintenance of Neighbourhood Watch schemes; police citizen consultative committees, such as already operate in New South Wales and New Zealand; undertaking foot patrols in particular neighbourhoods to 'show the flag', as it has been called in the context of the Queensland Service, or rather showing citizens police are concerned and available to assist; and enhancing 'customer service' approaches, such as 'shopfront' policing—static sites are in place at Civic, or Canberra City, as well as Belconnen and Tuggeranong. In addition, two mobile shopfronts are being trialled and used to target particular trouble spots within the suburbs of Canberra. As you can see we have not sought to 'reinvent the wheel', so to

speak, but have chosen to integrate successful programs operating elsewhere in Australia and overseas into the ACT community policing strategy, but in addition, we have developed some of our own initiatives.

For an example of such an innovation, the Alliance Government has enacted a somewhat controversial (section 35(2)) amendment to the *Police Offences Act 1930*. This gives police the authority to require persons to 'move on' when instructed to do so. My strong view as ACT Attorney-General and a former practitioner in the criminal jurisdiction is that modern policing requires an alternative to arrest in dealing with indecent language or similar charges relating to small-scale public disorder. In the past, it has been my experience that arrest has been the only recourse to 'break up' violent street confrontations. In order to monitor the use of this power, I receive regular briefings on its utilisation. In addition, the legislation includes a 'sunset' clause due to lapse in 1991. Critics have argued that this law impinges on civil liberties. I take the contrary view, and initial statistics support my view that there has been a decrease in charges. The evaluation data now establishes that police have a more flexible authority to defuse situations of potential public disorder. As an aside, it should be mentioned that these provisions do not extend to industrial disturbances.

Another such innovation is the establishment of the Domestic Violence Crisis Service (DVCS). The Service was established in April 1988 as a result of an Australian Law Reform Commission Report and is funded by the ACT Government. The DVCS has broken new ground in the ACT and, in fact within Australia, in the sense that no other organisation has been equipped to work with the AFP in direct response to criminal assault within the home. Backed by our innovative legislation (*Domestic Violence Act 1986*), the Service has been given the opportunity to provide realistic intervention to the survivors of an assault, and to lobby actively for the ongoing social change to those institutions within this society that condone domestic violence. The concept of community policing is being achieved in reality in the ACT in that a community agency is working (on the ground) directly with the police in the houses where criminal assault has occurred.

Before concluding, this paper will focus on an issue likely to impact on the AFP's provision of community police services in the ACT. This refers to one of the most significant, but largely unpublicised, decisions taken in the field of Australian law enforcement in recent years.

At the June 1990 meeting of the federal, states and territories Attorneys-General in Alice Springs, I was excluded from a closed door agreement, on the basis that the *ACT Self-Government Act* precluded the Territory Legislative Assembly from making laws with respect to corporations. I subsequently learned, as did the ACT Director of Public Prosecutions, Mr Mark Weinberg QC, certain details of this agreement reached between the Federal and State Attorneys.

Essentially, the way was paved for the Australian Securities Commission to assume control over every company in Australia from 1 January 1991 and to direct the process of investigation and law enforcement over Australian corporations. The Chairman of the Australian Securities Commission (ASC), Tony Hartnell, said on 24 September 1990 in New York:

As the National corporate regulator, at the present time, we (and our various delegates) have a huge resource tied up in this investigative/accounting/legal retrospective. I announced in Melbourne on 11 September last, the 16 major national priorities for investigation and, if appropriate, litigation. These include names very familiar to the international investment community, such as Bond Corporation and Quintex.

Indeed so large is this current effort and so large is the perception of litigation that may follow from it, that eminent Australian jurists are suggesting that the Australian court system will need to be substantially streamlined (some called it 'reformed') to deal with it.

Mr Hartnell went on to say

It involves probably for the first time in our history as a country, the creation of an agency which is single-mindedly designed to enforce the corporate laws, on a professional basis and as free from partisan political influences as it is possible to get within the Australian environment and still maintain political support for the all important budget processes.

Coincidentally, the Federal Attorney-General, Michael Duffy said in Hobart on 25 September 1990:

Perhaps the most significant increase in the ambit of Commonwealth offences will occur with the implementation of the new corporations regime. Previously this area of criminal activity (sic) has been the sole responsibility of the states . . . Under the current proposals, all offences created by the laws of the states and territories will in fact be treated as federal offences and largely the responsibility of the Australian Federal Police and the (Federal) Director of Public Prosecutions for enforcement action. This initiative presents a new challenge for federal law enforcers to detect and combat conduct, which is not only illegal, but which threatens Australia's integrity and credibility in the international corporate arena.

Clearly, this profound development requires closer public scrutiny. I accept that further debate should take place within a different forum, but you may well appreciate my considerable concern about the non-consultative manner in which this major new national activity appears to be evolving. Such a new role for the AFP may well 'syphon off' some of our most promising officers and promote the Australian Federal Police into an 'FBI-like' role—a role that some AFP proponents have sought for many years. How this would impact on the many dedicated AFP officers presently provide community policing in the ACT remains to be seen.

Conclusion

The major lesson learnt from the Canadian experience of contract policing, and already applied within the ACT is that consultation is the key to both contract and community policing. Consultation means between the contracting Government Minister and his support staff, the contracted police agency's Chief Police Officer and his senior staff, and the community, whom both of these groups serve. It must be stressed that the arrangement between the ACT and Commonwealth Governments for the AFP to provide policing services to the ACT is still in its infancy. Even so, the shift from the previous situation of traditional Commonwealth oversight to that now provided by the ACT Government and administration, brings ACT policing ever closer to the community it serves, surely one of the fundamentals of community policing in operation.