

**Hobson, Katie (REPS)**

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**From:** William H Watson [billw@picknowl.com.au]  
**Sent:** Monday, 24 February 2003 9:22 AM  
**To:** Committee, EFPA (REPS)  
**Subject:** Local Government Inquiry

431 Wright Road  
VALLEY VIEW SA 5093

Dear Mr Chafer

Attached (in MS WordPad) is my submission re the above inquiry, as recommended by The Hon Wilson Tuckey MP, and as mentioned in my e-mail of 18 February 2003. Your reply of the same date refers.

[Apologies - attachment didn't go with first e-mail.]

Yours sincerely

WH (Bill) WATSON

House of representatives Standing Committee on Economics, Finance and Public Administration	
Submission No:.....	344.....
Date Received:.....	24/2/03.....
Secretary:.....	.....

**STANDING COMMITTEE ON ECONOMICS, FINANCE AND  
PUBLIC ADMINISTRATION LOCAL GOVERNMENT INQUIRY  
SUBMISSION RELATING TO POLICE MANAGEMENT**

**1. Introduction**

It has become apparent in recent years that Local Government is expected to shoulder an increasing portion of traditional Federal and State Government areas of responsibility, presumably in order to defray Federal and State expenditure. To best achieve the desired result, a total rethink of the way in which governments and government services are organised may be necessary. To illustrate the point, I have utilised Chris Hurford's Regional model as a basis for a proposal to reorganise police and emergency services nationally. The scheme can be modified to suit current three-tier governmental arrangements. In either a Regional or State+Local Government system, the major beneficial outcomes would be an effective national spread of Federal police services and supervision of local police services by the electorate. Operating details are included which may be extraneous to the terms of the inquiry, but have been left *in situ* as they may be of general interest.

I trust that the Committee will find the proposal useful in helping to determine a reorganisation of governmental responsibilities towards greater involvement of Local Government (commensurate with the provision of adequate Commonwealth financing coupled with municipalities' ability to raise a measure of funding locally) and a possible reduction in cost of running police services by the present States/NT and projected Regions. Whether the proposal will result in revenue neutrality as envisaged by the terms of reference is debatable in light of the extensive reorganisation reviewed.

The following article "Reorganising Australia's Police for the Future" was originally published in an abbreviated form in *Hard Evidence* magazine, January-February 2002 issue. The writer is a retired banker turned freelance journalist with an interest in law and order. The material on which the paper is based was garnered from 170 police forces in 62 countries (including Australia) during the course of researching a book on the world's police forces. The writer's article "The Police in Scotland - A historical perspective", covering the history of police in Scotland (with proposals for their reorganisation), was printed in the July-August 2002 issue of *History Scotland* magazine, published by the University of Aberdeen.

Versions of the Australian paper were submitted some time ago to the South Australia Police Department and former Police Minister, the Commonwealth Attorney-General and former Minister for Justice & Customs, Tasmania Police (27 March 2001), the Prime Minister (19 November 2001), the current Minister for Justice & Customs (24 December 2001), the current SA Police Minister (11 July 2002), the Premier of New South Wales (4 November 2002) and The Hon Wilson Tuckey MP (20 December 2002).

The writer also made a submission to the Australian Government Joint House Committee on Public Accounts and Audit enquiry convened during 2000 to examine the effectiveness of Coastwatch and whether there is a need for a separate Australian Coastguard Service.

## *2. Proposition*

# ***REORGANISING AUSTRALIA'S POLICE FOR THE FUTURE***

by William Hall Watson

### **Historical background**

A former South Australian politician, Chris Hurford, has put forward a proposal to abolish all State and Territory Governments and replace them with 51 Regional Councils and an ACT Council. He expects that Regional Councils will better represent the people in their territories. The Commonwealth Government would remain as the central body, Regional representatives being elected to a revamped Senate. Mr Hurford's position is one which has been advocated by many people for a number of years, but it appears to be the first one to produce a geo-demographic map of proposed council regions.

What implications are there for the present State Police system and its administration by Police Ministers if State Governments are to be abolished and replaced by Regional Councils? It is an issue which this writer has been looking into for several years. Even under our existing political hierarchy it is apparent that alterations to present police management and supervision methods and the scope of jurisdiction are needed. The Hurford plan portends an unperceived sweeping upheaval of Australian policing.

Australia's civilian State-run police organisations have changed little from their 19th century precursors, despite reforms during the latter decades of the 20th century brought about as the result of corruption in some departments. In Britain and a few other domains, including the United States and Canada, supervision of the public police has always vested in local county and town councils. Australian police departments' independence from the rule of private citizens may be due to early legislators' fear of former criminals gaining control. Their paranoia resulted in continued regulation exclusively by State/Territory Government. Penal colony days are long gone, thank heavens, and our country needs to join the world's other stable democratic nations in its management and distribution of police resources.

Moreover, the colonies and provinces were regarded by their founders as individual sovereign states which, because of the magnitude of the Australian land mass, had little likelihood of ever becoming confederated. No regard has since been given to the size of the region for which each force is responsible. Western Australia, for instance, has the largest single police jurisdiction by area in the world.

Policing in "old world" countries is the culmination of at least 500 to 2,000 years of evolution. Although superficially borrowing heavily from that heritage, Australia has not had the direct benefit of such a lengthy history and, as a consequence, its structure has not evolved to provide checks and balances by the people it is meant to serve.

Many countries operate under a national police system, the central government providing a single police service across the country, even although the capital city's police may function virtually autonomously within that service. Nationally-operating agencies tend to be subject to a dictatorial central government department, e.g. Ministry of the Interior, Home Office or

Department of Justice. Larger countries generally - but not exclusively (Switzerland, for example, is a small country with many county and city police agencies) - are more fragmented, with provincial forces headed by elected or appointed police Commissioners under State government Attorneys-General, Justice Ministers or perhaps an enlightened Department of Public Safety, plus municipal police subject to local Councils and city Mayors.

France has an interesting National Police system in which police as we know them are stationed in towns with populations above 10,000 (soon to become 20,000) while the *Gendarmerie* (originally known as *Marechaussee* - "Highway-marshals") are responsible for all other provincial areas in addition to several national security functions. They even supply military police to the armed forces. Many other countries operate similarly, most notably Spain, Italy, Belgium and some South American countries.

Canada's Royal Canadian Mounted Police is likewise deployed throughout the Provinces ("States") and holds national security responsibilities while locally-administered regional police are based in major cities and towns. Some Provinces also have Provincial Police forces. In other areas the RCMP is contracted to provide law enforcement by Provincial governments or town councils. It all seems a bit untidy, but it works. We had our chance at an Australian version of the RCMP or *Gendarmerie* when the paramilitary Corps of Mounted Police was raised in NSW in 1825. It remained the most effective law enforcement agency in eastern Australia for 25 years, after which local civilian police forces became established and the corps was disbanded.

The USA is rather more fragmented, with too many separate community police agencies, but the substantial federal law enforcement bodies - Federal Bureau of Investigation and Bureau of Alcohol, Tobacco & Firearms in particular - are there to provide expertise in fields not usually encountered by local or State police. Even in the UK, New Scotland Yard - once home only to a completely separate Metropolitan Police - has become provider of forensic expertise to 50 regional forces, but only the British Transport Police can truly claim to have a national jurisdiction. England and Wales have a National Crime Squad and there is a Scottish Crime Squad, each of which deals with serious widespread crime in its own geographical area.

### **Future path**

So, which path should Australia's police follow in the 21st century? The most desirable system, it is suggested, is one where local government Police Councils or Public Safety Departments, answerable to an appropriate national government office, set the guidelines for the conduct of the police services in their region and publish annual reports on police activity, the Councils/PSDs consisting of city councillors and magistrates as well as the local police chief. This will remove police services from any possibility of State/Territory Government manipulation and, at the same time, pave the way for the abolition of State/Territory Governments.

In essence, there should be tripartite control: central government, police chief, and local citizens' representatives. As to the police forces themselves, a totally national service - except in the smallest of countries - can become too remote from widespread densely-peopled districts and fail to provide all services efficiently. A strong case can be made now for Urban Police Departments in large towns and cities, a separate Commonwealth Division of National

Police (a new title for the Australian Federal Police - Australian National Police) to handle major crime, and a specialised Division of National Highway Patrol or Australian Patrol Service to ease the burden on criminal investigation and town police by comprehensively policing the roads and educating drivers in an increasingly mobile society - particularly necessary since national road laws were put in place from the end of 1999. In territorially small Regional Councils a reconstruction of Urban Police into Regional Police could be considered.

Some State/Territory Governments already have integrated all emergency services - police, fire, ambulance, etc. - into one department, and that is commendable. It is recommended initially that the States and the Northern Territory establish a single co-ordinating entity within their governments to be titled the [State/Territory] Council on Public Safety (or "...COPS", e.g. SACOPS, VCOPS, QCOPS, etc.), comprised of a panel of Councillors. One or more Councillors would be responsible for supervising each emergency service, as, for example, Councillor(s) for the [State/Territory] Urban Police Department. Although not Councillors *per se*, the chief officers of the various services would, *ex officio*, attend Council meetings and have a vote in the proceedings. Other constituent members of the Council would be drawn half and half from elected members of the local Government and affected City Councils. Those members could be subject to separate public election rather than be Government and City Council appointees, thereby ensuring the general public direct representation in the running of police and associated services. The appropriate government officer (Police Minister or Mayor) would be Chairman. In either the present State or proposed Regional scheme, an Inspector-General would be appointed by the national government to audit the Councils.

In the federal or national arena the supervising entity would be the Australian Commission on Public Security ("ACOPS"). A panel of Commissioners, one or more responsible for supervising each security service, e.g. the Division of National Police, the Division of National Highway Patrol, Australian Customs Service, Australian Coastguard (yes, it's time we had one of those too), ASIO, etc. The Commissioners, as with their local government counterparts, could be specially elected rather than appointed - although this may prove more difficult at national level - and would be provided half and half from the central Government and - initially - State/Territory Governments (later to be replaced by Regional Councillors), the Chairman being the Commonwealth Minister for Justice or Attorney-General. The Chief Officers of the DNP and the DNHP respectively, who will be career police officers, plus the directors-general of the other security services and the Inspector-General of Councils on Public Safety, none of whom will be Commissioners *per se*, would attend Commission meetings and have a say in the proceedings.

It is envisaged that the Highway Patrol (or Australian Patrol Service, if the Protective Service initials were retained) will be conjoined to the National Police as its principal uniformed counterpart. Its fundamental brief would be to police the nation's roads outside those areas generally defined as metropolitan, in addition to which it would absorb the role of the Australian Protective Service given up by the AFP in 1984. The Patrol could be given nationwide responsibility for enforcement of traffic laws, driver-training, licensing, vehicle registration and roadworthiness: indeed there would be little alternative under a Regional system. The duties of the Corps of Military Police could be transferred from the Australian Defence Force and it would be available as a reserve force in case of war.

While Urban Police Departments would occupy only larger cities and towns (those, say, with populations above 20,000), the Highway Patrol (a reinvented and expanded APS, if you like) would be established throughout the country to provide a national police presence in smaller settlements, even in sparsely-populated regions, while the National Police would provide public police services in the Australian Capital Territory (as the AFP does already) in addition to its main nationwide activities of criminal investigation and intelligence.

### **Other considerations**

In the light of increasingly vocal protests about diminishing State-funded police resources in many quarters today, more departments in the meantime should consider employing Special Constables, Reservists or Auxiliaries - volunteers who receive basic training and are paid expenses only, provided with uniforms and even use patrol cars at night. America's "Citizens on Patrol" programmes have proven highly successful by augmenting regular police numbers to prevent crime in their suburbs. In a number of places some municipal councils have hired private security guards to fill gaps left by a lack of police. Such a departure from traditional police protection as a community service could be overcome through greater police management input by the citizenry and use of part-time officers. Police recruiting could be enhanced by providing more options to enable prospective officers to choose their area of specialisation: to decide if they want to be domiciled in a city, in country locations, on highway patrol duties or other specialist federal task forces.

To distinguish the different services, the ACT's National Police should wear blue uniforms, the Patrol green uniforms and Urban Police brown or khaki uniforms. There is historical precedent for green in the working uniforms worn by troopers of the 19th century Corps of Mounted Police and the original Queensland Police Force (1860s), not to mention the Royal Ulster Constabulary and the German Protection Police forces, amongst others. Tan or khaki is the colour of the Northern Territory Police uniform and of the present State Police officers' country summer attire. Contrasting coloured stripes down the length of trouser legs could be considered to assist rapid recognition of police officers by the public. There is sound historical precedent for a splash of red to be incorporated - from the days of the French Highway-marshals, the Bow Street Runners, the earliest Scottish police and the first Queensland Police. The Scottish "Sillitoe tartan" chequered cap band should remain.

Patrol vehicle colour enhancements should follow that of the uniform of the police body to which it is attached: blue, green or brown. Even flashing lights could distinctively identify each service: blue and red, green and red or amber and red.

Obsolescent imperial devices (such as "crowns") still used as rank insignia could be advantageously replaced by Australian symbols, each State or, later, Region perhaps choosing replacements from its coat-of-arms, flora or fauna emblem. I would even go so far as to reduce the number of officers' grades and "civilianise" some rank titles, for instance by replacing Commander and Superintendent with Director and Sergeant with Supervisor.

It has become normal for police officers in most countries to carry exposed handguns while on duty. This has been the subject of concerned discussion amongst private citizens in democratic nations, some of whom have questioned the desirability of the practice and a possible adverse effect of incitement to violence by potential offenders; not to mention that

the very sight of a firearm can cause alarm to innocent bystanders. Why does the United States' inaccurately-named "cowboy" style of apparatus have to be used?

The Royal Canadian Mounted Police and many other forces use holsters which are closed by a quick-release flap concealing the pistol. The pistol butt also is tethered to the officer by a lanyard. Apart from rendering a gun less obvious to the casual observer, this has the added advantage of ensuring that it is less easily removed by an antagonist in the event of a confrontation while the arm is still holstered and is more difficult to steal even when unholstered. This simple change to police equipment should be universal. Additionally, a cross-over holster (*i.e.* mounted towards the left front side of a right-handed officer) makes it easier for an officer to draw his weapon, particularly while seated in a patrol car, at the same time making it impossible for an offender to grab a firearm from behind.

### **Conclusion**

We should establish our Highway Patrol/Australian Patrol Service as a Federation centenary responsibility and promptly reorganise our existing police services in readiness for greater changes to come. As a nation we should have a visible national law enforcement presence on our roads and a much greater say in the way our police forces are conducted.

### **3. Summary**

- . Establish State/Northern Territory [Regional] Councils on Public Safety comprising publicly-elected councillors and appointed emergency service chiefs;
- . Combine State and Local Government responsibilities into 51 Regional Government Councils;
- . Change Australian Protective Service to an expanded Australian [Highway] Patrol Service as an arm of Australian National [Federal] Police, existing AFP to become Investigative Division with uniformed jurisdiction in Australian Capital Territory only;
- . Establish Australian [Commonwealth] Commission on Public Security to supervise all emergency and security services nationally;
- . Transfer all road transport licensing and rural enforcement responsibilities to the revised APS;
- . Condense State/Northern Territory police services to Urban Police, initially operating only in large population centres under State/NT control with municipal input - ultimately being placed under Regional control - through Councils on Public Safety.

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