

26 July 2002

The Secretary
Standing Committee on Economics, Finance & Public Administration
House of Representatives
Parliament House
CANBERRA ACT 2600

RE: INQUIRY INTO LOCAL GOVERNMENT AND COST SHIFTING

Thank you for the opportunity to make a submission to the above inquiry.

The Police Federation of Australia is a federally registered organisation under the Workplace Relations Act and has coverage of 45,000 police from all state, territory and federal jurisdictions.

Local Police Agencies

On Monday 17 June the Hon Wilson Tuckey MP Minister for Regional Services, Territories and Local Government addressed the National Executive of the Police Federation of Australia (PFA) at its meeting in Canberra. At that meeting he outlined a proposition that policing services could be decentralised to the Local Government level. That is, police officers, with full police powers employed by local governments. He indicated he had referred this matter to your committee and encouraged the PFA to make a submission.

The Police Federation is totally opposed to the concept of Local Government becoming the employer of sworn police.

We argue that it is inappropriate for local government to directly employ police officers in this country, for a number of reasons:

- Constitutionally we believe there are numerous impediments to the proposal;
- Education, training and professional standards could be compromised;
- Local Government do not have the infrastructure to undertake the above tasks;
- Who would conduct the training, both at recruit level and ongoing in-service?

- What would be the education standards?
- At what level would professional standards be set?
- There is a potential to bring all of these standards back to the lowest common denominator;
- Accountability mechanisms are in place within current policing arrangements, such mechanisms could be questionable within local government;
- Police officers currently have an array of oversight bodies. Who would oversee police officers employed by local council?
- Police officers as ‘constables of police’ have autonomy and discretion. Who would seek to give directions to police officers employed at local government level?
- What structures or processes would be in place if these police needed assistance from State/Territory/Federal resources?
- Who would determine what are local government police roles, priorities and responsibilities as opposed to those of state/territory/federal police?
- Would they be accepted as ‘registered’ member of the police profession, should the current pursuit of professional registration of police be achieved

At a time in history when policing is evaluating the development of the full professional model, this suggestion appears a retrograde step. The experience in the United States is that best practice and effective policing occurs in the large, well resourced agencies. Small local agencies are often shoddily run and prone to corruption. Rather than breaking down policing structures, we are seeing a move towards strengthening them and improving inter-agency cooperation.

The PFA’s pursuit of Policing to full Professional status is supported by the Police Commissioners of Australasia and is at the crux of our concerns about this proposal. The PFA’s national strategy on Professionalisation includes –

- The development of national core competencies/standards
- The development of national core training curriculum based on national competencies/standards
- The alignment of all police training courses and qualifications – allowing for inter-jurisdiction recognition
- The recognition by institutions of common police qualifications allowing for credit transfer across Australia
- The regulation and validation of police training by the industry itself (Australasian Police Professional Standards Council (APPSC) being the vehicle)
- An Australian lateral and cross jurisdictional entry system
- A professional police registration board
- A professional police – “Certificate to Practice”

By decentralising responsibility for policing services to local governments it would be difficult to attain the above outcome, something that we believe is in the best interest of ‘policing’ and the communities our members serve.

Minister Tuckey, when he addressed the PFA Executive in June, indicated that local government expended a considerable amount of money each year on private security

services that he argues would be better provided by sworn police. The Police Federation concurs with those comments.

In NSW at present, the ‘user pays’, scheme, on trial, allows local government to engage sworn police by paying the NSW Police Service a ‘user pays fee’ & police are deployed to local government initiatives, although they are still under the command of local police commanders. In these circumstances they have at their disposal the entire infrastructure that is available to NSW Police. They carry their full sworn powers and all of the accountability mechanisms that apply under normal police operations, apply when police are working on a ‘user pays’ basis for local government.

A similar concept is in place in Queensland and evidence exists that the co-operation between local authorities and the Queensland Police in its operation is very good.

Whilst this submission is negative in respect to local government directly employing sworn police, we believe that a like outcome can be achieved via ‘user pays’ schemes with Police Services and an input into policing services through the targeted financial assistance of the Federal Government.

Whilst we understand that this review is focussed on the issue of State/Territory Governments ‘cost shifting’ onto local government, we put forward the following proposal.

For some time the PFA has been concerned that policing services at the local level were not meeting the expectations of the local community. Likewise, we have held concerns that many of the issues confronting local policing are issues that we argue are traditionally Federal Government issues. For example the proliferation of illegally imported firearms on our streets, imported drugs & equipment for the manufacture of drugs, the impact of illegal immigrants & detention centres on local policing in those areas in which they are located and many other aspects of social policy.

An analysis of police budgets for the 1999-2000 year indicates that total recurrent expenditure by jurisdiction for that period was -

New South Wales	\$1,452,584,000
Victoria	\$1,067,734,000
Queensland	\$ 767,416,000
Western Australia	\$ 465,304,000
South Australia	\$ 342,798,000
Tasmania	\$ 100,688,000
Northern Territory	\$ 99,707,000
Federal Policing Operations (including the ACT)	\$ 380,000,000
Total Australian Law Enforcement	\$4,676,231,000

The above table indicates that in pure policing terms, the Federal Government’s contribution to operational recurrent expenditure on policing services in Australia was just over 8%. A totally insufficient amount we argue.

The PFA provided this information, by way of submission to the Government in March this year. Whilst we never received a formal response, its contents were criticised in that it was suggested that the figures provided didn't take into account the Federal Government's expenditure on agencies such as the NCA and Customs. We refute those criticisms, because neither did we take into account other programs funded by State and Territory Governments, targeted at drug usage and the like, that could have been found in Health and Education budgets, as opposed to policing budgets. The figures we drew upon for our argument was recurrent operational policing expenditure.

We didn't simply put forward an issue of concern with no proposed solution. We submitted that the Federal Government should consider implementing a similar program to that introduced in 1994 by the then President of the United States, Bill Clinton.

During his State of the Union address in 1994, President Clinton made a pledge to the American people to add 100,000 community police officers to that nation's streets. The Violent Crime Control and Law Enforcement Act (VCCA) passed Congress with strong bipartisan support.

VCCA was viewed as the most comprehensive piece of Federal crime control legislation in US history. It authorized \$8.8 billion over six (6) years for grants to add an additional 100,000 community policing officers to the nation's streets and advance community policing nationwide. The body charged with fulfilling the mission of adding the extra police was the US Department of Justice "Community Oriented Policing Services (COPS) Office".

Clinton's 21st Century Policing Initiative not only gained the support of every major law enforcement organization nationwide, it also gained support from the US Conference of Mayors.

A further program was added called COPS MORE (Making Officer Redeployment Effective). It was designed to expand the time available for community policing by current law enforcement officers through the funding of technology, equipment and support staff including civilian personnel. This program provided law enforcement agencies with grants of up to 75 percent of the total cost of technology, equipment or civilian salaries for one year. Agencies were therefore required to provide a minimum of 25 percent cash match.

We argue that the Federal Government should examine the VCCA and COPS MORE programs in the United States with a view to implementing a like initiative here in Australia. The concerns raised by Minister Tuckey about local government input and support could be built into the program, as it is in the US.

The submission from the Police Federation is therefore about formulating a national policy on supplementing and assisting local policing initiatives with federal government funding, as well as increasing funding to our Federal Police, thus ensuring that all parties who have an influence on local law enforcement, share the burden.

Anecdotal evidence gained through federal polling, indicates that crime and drugs is at the forefront of the community's priorities. These were the same concerns raised in the United States in the early 1990's when Clinton introduced his model.

Federal Funding for Crime Prevention

In a major report to the United States Congress in 1998¹, the issue of federal (US) funding for crime reduction was considered. A group of respected crime researchers reflected on the primary role of the government in funding crime prevention projects. They pointed out that these projects were most effective when targeted at those areas where youth violence is highly concentrated. The report showed that not only should funding be targeted at trouble spots, but it should also be placed in the context of a multi-agency approach. Programs need to be innovative and developed at local areas. "A much larger part of the national crime prevention portfolio must be invested in rigorous testing of innovative programs, in order to identify the active ingredients of locally successful programs that can be recommended for adoption in similar high-crime urban settings nation-wide."

The report pointed out that "Most crime prevention results from informal and formal practices and programs located in seven institutional settings. These institutions appear to be "interdependent" at the local level, in that events in one of these institutions can affect events in others that in turn can affect the local crime rate."

The seven institutions identified in the report are:

- Communities
- Families
- Schools
- Labour Markets
- Places (specific premises)
- Police
- Criminal Justice.

It is clear from the report that federal intervention can be most usefully deployed to fund programs that bring together all (or combinations of) the seven institutions, most of which here in Australia, are impacted upon by Federal Government policy.

Federal funding to promote crime prevention programs through local funding may have a significant impact. Local police know the needs of their particular community, but often have difficulty in developing programs in their communities through lack of funds. Creative and innovative projects that bring together as many of the seven institutions as possible, may be an appropriate source of federal government funding. These types of programs could operate in conjunction with local policing initiatives.

¹ **Preventing Crime: What Works, What Doesn't, What's Promising**

A Report To The United States Congress Prepared for the National Institute of Justice
by Lawrence W. Sherman, Denise Gottfredson, Doris MacKenzie and John Eck.

The PFA recommends that the Federal Government establish an “Innovations Grant Program” for programs aimed at local crime reduction. The aim of such grants would be to bring together local representatives of the seven institutions identified in the US report to develop locally based programs for crime reduction. It would be appropriate for local police to have a significant role in such programs.

Private Policing

David Bayley, the eminent American crime researcher has pointed out that the growth of private policing in the United States means that now there are about four times as many private police in the United States as publicly funded police. In Australia in 1999 there were 31,752 employees in the private security industry at a time when there were 43,038 sworn police. The increase in the number of private police is likely to continue as businesses seek to ensure that their private interests are protected. There is every indication that Australia is heading for the same proportion of private police to sworn police as in the USA. Of concern is the lack of professional regulation of the private security industry and their potential to involve themselves in areas traditionally the prerogative of the sworn police.

Central to the sworn police officer is the oath of office – an oath that ensures that the officer acts without fear or favour and cannot be directed to exercise his or her powers. The discretion of the public officer is paramount. The private security agent has no such oath of office. He or she operates at the whim of the employer –he is an employee in the true sense of the word – subject to the direction of the person who pays his or her salary. The sworn officer is accountable to the state and the law. The private security agent is accountable only to his employer. What happens if the interest of the private employer differs from that of the state or the law? How are private police made accountable and to whom are they accountable?

Another major issue of concern of the PFA is if we continue down the road of the proliferation of private policing and those in our society that can afford them are well served, the unfortunate offshoot will be that those who are most in need of policing services will be those that are less likely to be able to afford them, (ie the lower socio economic group in our communities). It is for this reason we must maintain a strong public policing presence in our society.

The PFA feels that rather than discussing the expansion of private policing through local government agencies, it would be more appropriate for the government to be funding a study of the most appropriate ways in which to minimise the need for private security at the Local Government level and where there is a need for the use of private police ensure that private security agents are well trained, cognisant of their responsibilities to the law, accountable through a process of registration and subject to stronger regulation by sworn policing agencies. Such a study should also include research to determine appropriate resourcing of State, Territory and Federal police jurisdictions.

The PFA therefore recommends that the Federal government fund a study of the private security industry with the aim of minimising the need for private police as opposed to sworn police, establishing protocols for the better regulation of the private policing industry and research on resource allocation formulae for public police.

Concluding remarks

The members of this Standing Committee are all experienced politicians and community leaders. You, like the 45,000 police officers of this country, understand that the community are not interested in political rhetoric and point scoring. They don't differentiate between local, state/territory and federal responsibilities when it comes to their's and their family's safety in their homes and on our streets. They are looking for leadership on this issue and co-operation between all levels of government and all policing agencies.

This submission has not sought to apportion blame on any level of government for the current dilemma facing policing services. It is our respectful submission that the proposal by Minister Tuckey is certainly not the answer. The answer is, in our view the development at the federal level of a protocol for accessing federal funds to supplement local government and state/territory funding on important community policing initiatives, at the same time ensuring that State/Territory/Federal Policing budgets are increased in accordance with community expectations. We also see a role for the federal government in facilitating a review of the private policing industry including research into appropriate resource allocation of sworn police.

We have suggested a closer appraisal of the US system and offer our services to work with the Federal, State/Territory and Local Governments to ensure that the Australian community is provided the best possible policing service available in a co-ordinated approach through all levels of Government.

Mark Burgess
Chief Executive Officer