



Police Federation  
of Australia

ABN 31 384 184 778

Level 1, 21 Murray Crescent  
GRIFFITH ACT 2603

Tel: (02) 6239 8900  
Fax: (02) 6239 8999

28 March 2008

Mr Elton Humphery  
Committee Secretary  
Senate Community Affairs Committee  
Parliament House  
CANBERRA ACT 2600

community.affairs.sen@aph.gov.au

Dear Committee Members

**PFA SUBMISSION: SENATE COMMUNITY AFFAIRS COMMITTEE  
NT EMERGENCY RESPONSE BILL 2008**

Thank you for your letter of 25 March 2008 inviting the Police Federation of Australia (PFA) to make a submission to the Committee regarding the *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 (NT Emergency Response Bill 2008)*.

The PFA made a brief submission dated 9 August 2007 to the Senate Standing Committee on Legal and Constitutional Affairs on the former government's NT National Emergency Response Bills 2007 when the NT intervention was first proposed. A copy of that submission, which provides a background and context for our current submission, is attached.

In relation to the Bill before the Committee, the PFA supports the four key measures which:

- Repeal the permit system while enabling the Minister to authorize journalists to enter communities;
- Restricts pay TV services with large amounts of R-rated material;
- Permits material to be transported through prescribed communities; and
- Allows a roadhouse to be treated like a community store.

These are sensible measures taken as interim steps pending the independent review that the Government has foreshadowed that it will be commissioning for completion in the latter part of 2008.

On that basis, the PFA supports the Bill.

We do also take this opportunity to re-iterate the concerns that we expressed in our submission regarding the former government's legislation particularly in relation to policing in remote indigenous communities and in connection with the overlapping liquor controls.

We said in our overarching comments about policing:

'Law and order needs to be addressed by a coordinated multi-agency response. Mainstream agencies (Health, Education, Welfare, Housing, Planning and Infrastructure, etc) need to be committed to providing their statutory and other services to the remote communities. Services need to be provided in a whole-of-government coordinated manner, with police officers in each community supported by, for example, a health worker, education officer (teacher), and community facilitator who can provide dispute resolution, cultural empowerment, and facilitation services. In turn, the police officers can provide a secure environment for these other government officials.

Dedicated police services in each community allow for trusting relationships to be formed, a consistent policing approach to law and order issues, and provide community stability in which other government agencies can safely provide services.

Evidence suggests the best way to police remote Aboriginal communities is to have a permanent police presence within the communities.'

We stand by those views and are convinced that effective policing in remote indigenous communities can only be carried out by experienced Northern Territory police permanently stationed and living in the communities. Because the NT Government and community do not have the financial resources to adequately fund these and other people-intensive services (and others like sufficient teachers and health workers) we are of the view that the Australian

Government should supplement the finances of the NT Government so that it can do so.

This is far preferable and more effective than having police from the Australian Federal Police, the Australian Crime Commission and the States, depleting the resources of those police forces, seconded to the NT on a short-term basis.

On the second matter – the new regime of liquor controls over and above those already applying under NT law – we continue to have major reservations. We can point to the complexities and difficulties that arise from having two sets of overlapping laws.

For example there is a different regime of administrative and legal protocol surrounding the arrest and prosecution of offenders under the respective Federal and Territory statutes. Northern Territory Police Officers generally do not exercise Commonwealth powers so do not have regular exposure to the requirements of Commonwealth legislation.

It is our view that the Commonwealth and Territory governments should move quickly to ensure that NT statutes, in liquor and pornography control, meet the requirements of the Federal emergency response to ensure that the arrest and prosecution process are not hampered by administrative and bureaucratic inefficiency.

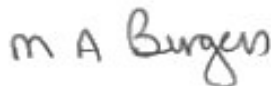
Finally, as we said in our last submission, the PFA is convinced that the Australian community appreciates that law and order and community safety are fundamental to the successful functioning of society and to family and community well-being. Indigenous communities in the Northern Territory (and elsewhere) need to be provided with the same essentials.

We would welcome the opportunity on behalf of the PFA to discuss this submission with the Committee.

Yours sincerely



Vince Kelly  
President  
PFA & NT Police Association



Mark Burgess  
Chief Executive Officer  
Police Federation of Australia

Attachment



Police Federation  
of Australia

ABN 31 384 184 778

Level 1, 21 Murray Crescent  
GRIFFITH ACT 2603

Tel: (02) 6239 8900  
Fax: (02) 6239 8999

9 August 2007

The Secretary  
Senate Standing Committee on Legal  
and Constitutional Affairs  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

**SUBMISSION REGARDING THE NORTHERN TERRITORY (NATIONAL  
EMERGENCY RESPONSE) BILL 2007 AND ASSOCIATED BILLS**

The Police Federation of Australia (PFA) makes this submission on behalf of all state, territory and federal police associations and unions representing Australia's 50,000 police.

The PFA welcomes the new concerted approach to addressing the serious dysfunction wide-spread in Australia's Aboriginal communities and the recognition that law and order is a basic pre-requisite to healthy, safe and functioning communities. Inadequate community policing and law enforcement, together with lack of individual responsibility, have allowed child sexual abuse, alcohol and drug abuse and violence to undermine Aboriginal communities over decades.

The PFA supports this Senate Committee inquiry into the suite of legislation and measures proposed by the Government to address these serious, long-standing

problems in indigenous communities in the Northern Territory because the measures and the Bills are far-reaching, novel and complex. They introduce a range of new laws and offences which will be challenging for police in remote and other Northern Territory communities to implement. As such, they warrant careful scrutiny by the Parliament and the wider community, including most particularly indigenous Australians.

First, we would like to make three overarching comments about policing in remote Aboriginal communities.

Law and order needs to be addressed by a coordinated multi-agency response. Mainstream agencies (Health, Education, Welfare, Housing, Planning and Infrastructure, etc) need to be committed to providing their statutory and other services to the remote communities. Services need to be provided in a whole-of-government coordinated manner, with police officers in each community supported by, for example, a health worker, education officer (teacher), and community facilitator who can provide dispute resolution, cultural empowerment, and facilitation services. In turn, the police officers can provide a secure environment for these other government officials.

Dedicated police services in each community allow for trusting relationships to be formed, a consistent policing approach to law and order issues, and provide community stability in which other government agencies can safely provide services.

Evidence suggests the best way to police remote Aboriginal communities is to have a permanent police presence within the communities.

Turning to the immediate matters before the Committee, because of the very short time available, this PFA submission deals with only two aspects of the legislation that relate directly to policing in Northern Territory communities.

These are:

- the new regime of liquor controls, and
- changes to the permit system applying to Aboriginal communities.

In raising these two matters, we acknowledge that an important part of the Government's emergency response has been to boost the number of police officers to enhance law and order in remote NT Aboriginal communities.

The new regime of liquor controls to be introduced under the Northern Territory National Emergency Response Bill 2007 will significantly complicate law enforcement for Northern Territory police because there will be two legislative frameworks in place – that of the Commonwealth, and the Northern Territory law. This will introduce a new level of complexity for police on the ground. It is not clear whether offences will be dealt with in the Federal or the Northern

Territory jurisdiction and courts. There will inevitably be challenges in the courts and an unnecessary level of confusion.

The new liquor restrictions are widespread and will require intensive policing and yet there appears to be no plan to train police on the ground across the Territory to deal with enforcement, compliance, investigation and prosecution.

The institution of takeaway liquor restrictions across the Territory will impose a heavy administrative and law enforcement burden on those attempting to enforce compliance, including a huge workload in the major towns in the Territory.

The PFA and the Northern Territory Police Association are of the view that the Commonwealth would have achieved a better outcome by working through the *Northern Territory Liquor Act 1979* which is a powerful piece of legislation. It is not that legislation which is deficient. Rather, the difficulty has been enforcement of the alcohol restrictions due to the long-standing lack of police resources and capacity in both the major towns and remote communities.

In relation to the long-standing permit system for access to aboriginal communities, the PFA is of the view that the Australian Government has failed to make the case that there is any connection between the permit system and child sexual abuse in Aboriginal communities. Therefore, changes to the permit system are unwarranted.

We note that the Government has decided, on balance, to leave the permit system in place in 99.8 per cent of Aboriginal land.

Operational police on the ground in the Northern Territory believe that the permit system is a useful tool in policing the communities, particularly in policing alcohol and drug-related crime. It would be most unfortunate if by opening up the permit system in the larger public townships and the connecting road corridors as the Government intends, law enforcement efforts to address the 'rivers of grog', the distribution of pornography, and the drug running and petrol sniffing were made more difficult.

Finally, given the multiplicity of new offences contained in the overall package of Bills which make up the Government's Northern Territory National Emergency Response, it is not at all clear that the additional level of police resources provided to date will be adequate for the challenge of delivering the new level of law and order expected in aboriginal communities in the Territory and enforcing the newly introduced laws.

The PFA is convinced that the Australian community appreciates that law and order and community safety are fundamental to the successful functioning of society and to family and community well-being. Aboriginal communities need to be provided with the same essentials to function effectively in the future.

I would welcome the opportunity on behalf of the PFA to discuss this submission with the Committee.

Yours sincerely

A handwritten signature in black ink that reads "m A Burgess". The letters are cursive and somewhat slanted to the right.

Mark Burgess  
Chief Executive Officer