



Police Federation
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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

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