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MOTON

Department of Police, Fire and Emergency Management Annual Report 2022-23 -

Consideration and Noting

[excerpt]

Ms WEBB (Nelson) - Mr President, I welcome the opportunity to contribute to this important discussion of considering and noting the Department of Police, Fire and Emergency Management Annual Report 2022-23. I thank the member for Launceston for bringing it forward for discussion today.

I acknowledge that previously in this place we had the benefit of insights from former members who, in previous careers, had contributed to Tasmania as serving police officers and they had provided valuable insights born from that experience. I would say that the reflections and the detail provided by the member for Launceston in her noting of the report have been a worthy replacement into that space, so thank you for that.

I also acknowledge the difficult and at times challenging experiences that occur on a daily basis for many Tasmanians serving as police officers and in our emergency services. Further, I also recognise the ongoing commitment to, and work in, developing constructive relationships with the community. For example, recent initiatives to address internal and external obstacles experienced by those seeking to escape family violence situations, how sexual assault complaints are dealt with and other community liaison initiatives.

However, key components of any relationship building and maintenance are trust and confidence. That trust and confidence is crucial in the Tasmanian community's relationship with Tasmania Police and the broader Department of Police, Fire and Emergency Management, as it is in any individual personal relationships.

Arguably, it is even more important, given the unequivocal power imbalance between Tasmania Police and other citizens. We know that public trust and confidence in state entities relies on good governance supported by clear and transparent accountability mechanisms, of which the annual report submitted to and scrutinised by parliament is one such accountability mechanism.

In my contribution to this debate I intend to focus on applying that lens of testing accountability and impartial oversight mechanisms which are so crucial to developing and maintaining a relationship of genuine trust and confidence between the community and Tasmania Police. I note that the detail of the report across many areas has been presented quite adequately by the member for Launceston.

As indicated in the letters of transmittal at the front of the agency annual reports, annual reports are submitted to parliament in accordance with requirements of section 36(12) of the State Service Act 2000 and section 42 of the Financial Management Act 2016. This annual

report from the Department of Police, Fire and Emergency Management 2022-23 which we are noting, appears to comply with the strictly legislative requirements that are there in the State Service Act and the Financial Management Act.

I note that the crime statistics are also largely reported in a separate document titled 'A Safe and Secure Tasmania 2022-23 Crime Statistics Supplement'. It is interesting to note, however, that under these annual report legislative requirements, secretary and commissioner, Donna Adams, as head of the DPFEM only has to ensure that the agency is operated as: 'Effectively, efficiently and economically as is practicable'.

The legislation in putting forward these requirements is silent on the need to lead ethically and with integrity to ensure ethical practice within the organisation. However, the legislative silence on that does not prevent ethical practice being a focus of an annual reporting process and I wish to explore in detail further how the annual report could invest more specifically in detailing ethical conduct expectations and measures and oversight provisions. By doing so, it would help build community trust and confidence, which is an outcome we would all agree we want to see.

For example, the small section on ethical conduct in the report which occurs on page 50 of the annual report consists of three paragraphs and there is nothing wrong with these three paragraphs. However, they mainly describe intent rather than provide a framework by which performance can be measured on that topic. Nor is there any data provided which details complaints against police or complaints against other sections of the agency, such as Forensic Science Services Tasmania.

This limited treatment of the complaints issue, for example, contrasts sharply with the Productivity Commission's Report on Government Services, and also other interstate jurisdictions respective police services annual reports. A reading of the ROGS report, for example, is concerning in relation to the issue of complaints against police in Tasmania. Looking at Police Services Report on Government Services 2023 Productivity Commission the Tasmania Police has the worst complaints per 100 000 people data in the nation, with over 215.5 complaints per 100 000 people in 2021-22. This is significantly more than most other jurisdictions, it would appear. This is not something reflected in this annual report.

I have undertaken a quick overview of other jurisdictions most recent available annual reports for a similar department. It may surprise members to know the Tasmanian Department of Police Fire and Emergency Management Annual Report 2022-23, is an outlier of the nation.

Tasmania's annual report, relating to its Police Department and Emergency Management Department does not provide some form of breakdown of complaints received and the remedial actions taken, unlike other jurisdictions. The two territories and other states all do provide a breakdown of complaints received by their respective police forces, the number that have been dealt with and the outcomes of those processes.

I wish to highlight the different approach taken in selection of these interstate annual reports. In New South Wales, the Police Annual Report for 2021-22, which is the most recent I was able to access, reports extensively on the nature of allegations made against police officers. The total number of complaints is presented, as well as the total number of separate allegations. Interestingly, it is clear, that complaint categories are being revised on a regular basis from the way this is transparently reported.

The New South Wales annual report, notes that in February 2022, a new classification of allegations was implemented, called Misuse of Social Media. They report in that year there were 20 reported complaints received on that new classification of allegation. I am not sure whether that is a complaints category against which Tasmania Police can be held accountable, because we do not seem to report on these categories in that same sort of way. The annual report for New South Wales, also sets out performance targets in relation to time frames for investigation and resolution of complaints.

In Victoria, their 2022-23 annual report details how people can make either an internal or external complaint of, and I quote: (tbc): 'Improper conduct and corruption committed by police officers'. Of the three different public interest complaint categories, which are sent then to the Victorian Independent Broad-based Anti-Corruption Commission, they provide the numbers of those complaints and in each category.

In contrast, the Tasmanian annual report relating to the police we are noting today, does not indicate whether any complaints were referred to the Integrity Commission or not. Instead, it is up to us as members of the public to know to cross reference with our Integrity Commission's Annual Report, which in this instance does state that - In 2022-23, it received 55 complaints about Tasmania police officers. This is just over 30 per cent of the total 181 complaints of alleged public sector misconduct received by the Integrity Commission for that period.

Additionally, the Integrity Commission reports receiving 28 notifications from Tasmania Police, on the basis of the letter of understanding between police and the commission.

For the benefit of those who may be listening, this letter of understanding sees the Commander of Professional Standards, notifying the Integrity Commission on matters relating to serious misconduct and those relating to designated public officers, officers of the rank of Inspector and above, in this instance. Complaints against police that are received by the Integrity Commission are referred to Professions Standards Command.

The Integrity Commission can implement oversight of these processes and undertake audits of them. This is not quite as comprehensive, in terms of independent oversight, as the Victorian IVAC system. No matter how minimal the details presented by the Integrity Commission's annual report, the fact is, it is more detailed than what is provided in the DPFEM Annual Report, we are noting today.

It is not full transparency or accountability when the public have to undertake that sort of cross referencing between multiple agency annual reports and are only receiving ultimately partial insight in to the areas covered.

The last interstate example to highlight as a comparison of our Tasmanian annual report is of our Queensland counterparts. The 2022-23 annual report of the Queensland Police Service details the service's ethical standard's command is responsible for managing all complaints of misconduct and disciplinable conduct report. That report states that for 2022-23 there were some thousands of complaints made and also details number of allegations from both internal police members and members of the public. That report presents 68 complaint categories with the report providing a breakdown of the total numbers of allegations made and discipline outcomes presented.

Additionally, the Queensland annual report details a separate set of disciplinary proceedings undertaken by the Office of State Discipline. This details discipline matter hearing, hearing outcomes and sanction, all dealing with matters, including dismissal, suspension without pay, probation, transfers and any post separation disciplinary matters. It is quite a comprehensive presentation of information in that annual report. It is jurisdiction that has had some considerable issues in the past on police force corruption and therefore, have had to step up in terms of their transparency and reporting subsequent to that.

Another component of the Queensland annual report makes for interesting reading and useful to reflect on potential opportunities in the future for our state. The Queensland police annual report includes a section detailing their responsibilities under that state's Human Rights Act 2019, including, and I quote: (tbc)

Since the commencement of the Act, the QPS has updated its complaints and grievance policies, procedures and mechanism to ensure human rights complaints can be recorded, assessed and responded to appropriately.

The Queensland police annual report then proceeds to detail for the period of 2022-23 the number of distinct complaints where it was identified one or more human rights may have been engaged, the number of individual human rights limitations connected to those complaints, the number of instances where human rights were unreasonably limited and the numbers of resultant apologies, managerial resolutions, explanations and disciplinary actions. Finally, it details the number of complaints finalised at the end of that recording period.

We have the lamentable absence of a human rights act in this state. It is through no fault of our agencies they are not reporting against human rights' related complaints, certainly not. However, the point is how far we are behind in that sense of transparency and comprehensiveness of our reporting. Currently, we do not even have included in the DPFEM annual report a breakdown of complaints received of police, let alone concerns surrounding human rights breaches. We do not have an act against which to measure that, which is a responsibility of governments of the day, not of individual agencies.

Back to the DPFEM annual report before us, the report only needs to essentially cover under its legislative requirements the functions and exercise of powers of the head of agency. There is no requirement to report on exercise of significant powers by police over a range of both state and Commonwealth legislation. The functions and powers of the heads of agency are set out in section 34 of the State Service Act and are very workforce and administratively focused in their nature. Again, highlighted when compared against the range of detail provided in those other interstate annual reports, there is considerable scope to broaden the range of matters reported on in our agency and government department annual reports, particularly the Department of Police, Fire and Emergency Management. For example, how is the public to be informed about emerging issues, matters of concern and about compliance with important legislation, such as Commonwealth surveillance legislation and Tasmanian surveillance devices legislation.

Yet another example, how are we to know how significant sections of Tasmania Police, like Forensic Science Services Tasmania is performing. This is an emerging area of public interest in light of recent developments. Again, in Queensland in relation to DNA forensic testing, which has apparently led to the biggest world disaster in forensic science history,

involving the retesting of over 100 000 samples, if they still exist and have not been destroyed. The Queensland Government have at this stage committed in the vicinity of \$200 million to fix the issue and this financial commitment is likely to increase.

On page 21 of the annual report we are noting there has been a forensic science technology uplift and at page 58 it refers to the procurement of a DNA automated extraction robot and two DNA liquid handling robotic stations at a cost of \$537 000. Given the developments in the current Senate commission of inquiry in Queensland and the disastrous move from a manual DNA extraction method to an automated extraction method in that jurisdiction, I wonder what validation studies have or will be undertaken in Tasmania to ensure the effective implementation of any new technology or methodology. I would not want to see us shift to an automated method, and then have go back and undertake corrections and significant revision of forensic testing activities. I note the annual report makes no mention of the landmark Sofronoff Inquiry Report from 2022 which we also factored into these areas.

Half of the 124-page annual report consist of financial statements, and it is always illuminating to have that detail. The rest of the report deals with the strategic framework adopted by the agency and select compliance and performance issues. I believe there is a missed opportunity to also focus on openness, accountability and transparency. For example, there is little information about the important issue of right to information compliance. It is mentioned on page 43. While recognising that RTI details may be obtained from the Department of Justice and also from the Ombudsman respective annual reports, however, that does not satisfy the expectation that there would be more than the minimal information provided in the DPFEM annual report.

It is a fair expectation to see some form of data catalogue detailing how RTI matters have been dealt with in the reporting period, and any issues exposed under internal, external review. There is no helpful detail, for example, on how often sections 19 and 20 of the Right to Information Act are used to potentially avoid disclosure. There is no mention of the use of Section 6 of the Right to Information Act, which can be used to prevent disclosure - a practice that has been criticised recently by the Ombudsman in relation to a number of agencies. As an example, in the period covered by this annual report, I experienced the inappropriate use of Section 19 in an initial response which attempted to block access to the information I sought through an RTI application. The decision to use Section 19 to provide not one single piece of information, was subsequently overturned on an internal review within the department.

There is no mention in the annual report of the state of electronic document management within the agency and any challenges faced in that area. I have the experience where an RTI request was refused on the basis that a search of the many thousands of pages of the file would require a page by page search. Surprisingly, there appeared not to have been any steps taken in the fourteen years of the file's existence to organise or digitise or index the file. That is despite what appears to have been millions of dollars being invested by Government in IP and document management projects over recent Budgets, including on Project Unify which is mentioned on pages 19 and 23 of the report.

I note there is no mention of the significant issue of the lack of timely disclosure of relevant Police materials in criminal matters and how this issue is being addressed - including the impact on delays and backlogs in the courts, which have been regularly reported on in the media.

I also note there is no mention of the significant judicial decisions during this annual reporting period, or the impact on policy and procedure that might have been undertaken as a result. I note that other jurisdictions often provide significant details about this. I note there is no mention of the significant decision of Justice Brett in the Supreme Court case relating to the Jeff Thompson matter from August 2022. Nor is there mention of the public outcry about serious invasions of privacy and legal professional privilege at Risdon Prison over the two-month period, through the use of surveillance devices which are also capable of being monitored remotely and possibly downloaded at the police station. There is no mention in the report of what was the O'Farrell inquiry - which I believe is now the Bugg inquiry - into this matter, nor the legislative challenges that had to be overcome in establishing such a review; other than a very brief mention on page 40 of legislation that came through this place the legislation

There is no mention of the outcome of the Commonwealth Ombudsman's annual reporting and assessment of Tasmania's situation on the use of telecommunications interception and related matters, such as the use of telecommunications data and compliance with Commonwealth legislation. These significant things are noted in that Commonwealth reporting process but they are not included here.

There is also an opportunity for more detail to be presented for public understanding of important issues such as the nature and outcomes of police pursuits, or the nature of deaths in custody or deaths during custody-related police operations. Some of those matters are covered or mentioned in passing, in the report. I am also interested in reporting on internal audits and reviews or significant policy developments or amendments to the Tasmania Police Manual, for example. It would be useful to see that as part of the annual reporting process.

Mr President, while some statistics are presented, I note that there is not analysis or commentary presented on issues such as the trends in crime, or what appears to be drop-offs in areas such as traffic enforcement. There appears to be a significant decrease in police detection of high-risk traffic offenders, based on the numbers presented in the report. Perhaps I am reading it wrongly but I do not see commentary to explain the numbers that I am reading. There also seems to be an increase in speeding offences, and in fatal and serious injury crashes in that traffic area, but I do not see an explanation of that, either.

I note that the performance measures presented have set targets for the 2022-23 year and then present the actual numbers. It appears that the targets were not achieved on any of those performance measures. I do not see any commentary or explanation of that. Perhaps there is another, more relevant opportunity for that to be presented. However, it would have to be readily available and transparent for the public, to provide transparency and visibility about how these targets are set; what it means when they are not met; and what explanations there might be on them. We have a chance during budget Estimates and processes like that to undertake that kind of scrutiny. However, it is important that members of the public can seek information and understanding from sources, rather than having to trawl through *Hansard* of budget Estimates hearings.

Presenting numbers is important, but so is analysis and explanation. When the reader is left to pursue their own analysis on some of these issues of significant public interest, there can be the opportunity for misunderstanding or underestimating what is happening and the achievements and activities of our police force and our emergency management system. I looked at some other jurisdictions to see different approaches to how reporting was done, in

relation to similar departments interstate. I believe there is an opportunity for us to consider how this might be improved. I do not know the process in the department for considering what, and how, information is presented in the annual report. I hope that there was some ongoing opportunity for improvement.

In conclusion, Mr President, like the member for Launceston and other members, I am grateful to the people who serve within our Tasmanian Department of Police, Fire and Emergency Management in all the variety of roles. None of those jobs are easy. They are all significant roles of public service. Having said that, I do not step back from the important role of oversight and accountability when we are talking about roles - particularly roles relating to the police force, which inherently hold a great deal of power in relation to citizens of this state.

I regard my role here as an important one in undertaking that scrutiny and contributing to that transparency and oversight. I look forward to potentially there being more opportunities to engage with and explore ways we could improve that oversight and accountability. It will only be of benefit, not just to building that public confidence and trust, but also to the effectiveness of the relevant services to the Tasmanian community as well when we achieve improvements in confidence and trust.

I thank the member for Launceston for bringing this to our attention today, and I also note the report.