

WEST BELCONNEN /PARKWOOD CROSS BORDER PROJECT.

CROSS BORDER POLICING COSTINGS.

BACKGROUND

A new major residential development, known as the West Belconnen/ Parkwood Development (WBD), is being constructed in the area of the Australian Capital Territory (ACT) to the north-west of Belconnen. The development stretches from an area adjacent to the Canberra suburbs of Holt and Macgregor, across the New South Wales border into land within the Yass Valley Shire.

The joint vision of the ACT Government and the Riverview Developments is to create a borderless community within and across the WBD which will ensure residents enjoy an equitable and seamless level of service delivery regardless of where, within the WBD, they may reside.

Residential construction on the WBD has commenced at the southern end of the designated development area, on the northern edge of suburban Belconnen in the ACT. The development will gradually extend northwards towards Yass and into NSW over the next 30-40 years with construction of homes within NSW anticipated to commence in about 2032.

The planned WBD community will eventually comprise some 11,500 dwellings and be home to about 30,000 people of whom some 16,500 will reside in the West Belconnen Development in the ACT and 13,500 in the Parkwood Development in NSW. About 6,500 homes will be located in the ACT and 5,000 in NSW.

A principal concern of the developers, the Australian Capital Territory (ACT) Government and Riverview Developments, relates to the provision of policing and justice services to the planned new cross border community, and the desire to offer residents seamless and equitable service levels and infrastructure standards across the entire development.

The cross border location of the WBD, however, creates inter-jurisdictional policing challenges which will need to be effectively addressed, if the vision of a seamless service delivery community is to be realised.

Essentially, border policing arrangements across Australia reflect those in place in other countries. Whilst arrangements in border communities obviously vary between locations due to the differing problems and community structures being addressed, the vast majority are locally based, rely on the goodwill of the participating police organisations, and involve each of the police agencies swearing in members of other relevant bordering police agencies as special members of their own organisations and sharing the policing responsibilities.

Without specific mutual agreement or legislation, the powers which police may exercise have no authority beyond the border of their respective jurisdiction and the laws (including those detailing crimes and other offences and court processes) of a State or Territory have, in most cases, no application beyond the boundaries of the jurisdiction in which they were enacted. As an example, while the AFP is empowered with federal jurisdiction, its members may only exercise those federal powers in regard to Commonwealth legislation and Commonwealth offences. AFP members attached to the Australian Capital Territory may only exercise ACT law within the boundaries of the ACT.

In considering the options which would deliver the best and most seamless police service delivery to the WBD, a review was conducted of past and present cross border practises. An assessment was made of the prominent border communities of Albury/Wodonga on the NSW/ Victoria border, Tweed Heads/Coolangatta on the border of NSW and Queensland, and the Queanbeyan (NSW)/Canberra (ACT) region, as well as the remote area policing arrangement, known as the NPY Lands Cross Border Justice Project, which operates on the borders of South Australia, Western Australia and the Northern Territory.

Discussions were held with operational and senior police in relevant centres and opinions sought as to the strengths and weaknesses of current cross border arrangements and the best options for consideration.

In regard to urban cross border, or border adjacent communities, no one spoken to suggested that prevailing arrangements were as effective or as seamless as they could be and most identified quite serious limitations and barriers that frequently operated against the interests of the local community and the achievement of effective and desired policing outcomes.

This situation clearly assumes greater importance where a State/Territory border runs through the heart of a single community as will be the case with the planned West Belconnen/Parkwood (WBD) development.

POLICING OPTIONS

The Special Member Model

As mentioned, the most common cross border policing approach used in Australia, as in most other countries, is the 'special member' model. This model does not require any legislative amendment, allows the control of "special member" status to rest with the Commissioner of the home police service offering the special membership status, is generally budget friendly, and retains the jurisdictional integrity of each of the jurisdictions concerned.

The 'special member' model, however, does not remove the barriers to seamless policing mentioned above, including particularly the need to extradite offenders from one jurisdiction to another, no matter how "local" the crime is in reality. Nor does it remove the difficulties involved with a range of issues including cross border police pursuits and traffic apprehensions – including alcohol and drug testing of drivers; the problems with the enforcement of bail conditions across borders; a range of child welfare and family and domestic violence issues, and the need for Extra –Territorial warrants for the return of stolen property to its rightful owner, where the property is recovered in the other jurisdiction.

Significantly, in almost all the urban border locations in Australia, there are two distinct townships, often separated by some physical distance, which have different names, and are clearly identified - and recognised - as being in one jurisdiction or another. This will not be the case in The WBD where the border will split the community.

In terms of seeking to ensure the delivery of a consistent and uniform level of police service to the WBD community, the usual 'special member' (including use of Joint Patrol) arrangements, do not offer as appropriate for adoption for the reasons explained in the main report.

The other options identified and considered worthy of consideration for the WBD were the NPY Lands Cross Border Justice Project model and the creation of a "single jurisdiction Buffer Zone", which would allow the laws and powers of one jurisdiction to operate unfettered across the entire WBD, regardless of where, or

within which jurisdiction within the WBD, any offence occurred or a person was apprehended.

The NPY Lands Cross Border Justice Model

The NPY Lands cross border arrangements have been agreed under the Cross Border Justice Act/s (the Act) to apply to designated lands in South Australia, Western Australia and the Northern Territory.

Under the Act, which is mirrored in each of the three jurisdictions, police and other law enforcers may, within specified circumstances, exercise their powers no matter which jurisdiction they are in, within the designated area of NPY Lands. The legislation applies to anyone who is suspected or found to have committed an offence within the cross border region and either lived in the area when the offence was committed or at the time of the suspected offender's arrest. Within the designated lands, extradition is not required and a person apprehended for an offence may be taken to a court in the State or Territory in which he/she was apprehended, regardless of where, within the designated lands, the offence allegedly occurred.

Essentially, under the Act, the laws of the three jurisdictions have not been changed and the legal rights of either a suspect or a victim are determined in accordance with the laws of the State or Territory in which the offence was allegedly committed. Essentially, however, police retain responsibility for the investigation of offences which occur and for people who are apprehended in their home jurisdiction.

The NPY Lands model has a proven record of success in the three jurisdictions concerned, although it must be remembered that all communities are small and remote and largely indigenous.

Creation of a Buffer Zone

Although the preferred model, there are currently no cross border 'single jurisdiction' 'Buffer Zone' arrangements in operation in Australia. It is, however, the model most strongly supported by police and the model which clearly offers the most seamless and effective policing and justice outcomes to a border community such as the WBD.

In view of the time line for the planned development of the WBD; the fact that two thirds of the community will be established in the ACT and one third in NSW; that the NSW 'Parkwood' development area is landlocked by the Ginninderra Creek and the Murrumbidgee River and has no direct NSW road access, and that that the WBD

development will commence in the ACT and not commence development in NSW until about 2032, it appears logical that any agreed “buffer zone” would apply ACT law rather than NSW law.

Under this model the AFP would be responsible for the provision of police services for the entire development and ACT criminal law and practices would solely apply.

COSTINGS

Due to the lead time available it is suggested that early discussions occur to consider and decide which cross border policing model will offer the best level of policing service to the new community and identify the costings likely to be involved.

Unquestionably, if agreement can be reached, on the adoption of a Buffer Zone model for the West Belconnen/Parkwood Development, the provision of effective and seamless policing, justice and, potentially, other emergency services such as ambulance and fire services to the WBD, will essentially be assured. The adoption of this model would remove many if not all of the identified impediments to effective law enforcement and protection of the community evident under the more traditional special member and joint patrol arrangements.

Indicative costings have been prepared for the four options considered to offer the most effective cross-border policing solutions.

General Costings

In 2018 Australia spent \$388 per person on policing services.

On average Australia provides 275-295 police per 100,000 people to service a community, with the ACT providing the lowest level of police numbers at between 209 and about 270 per 100,000 and the Northern Territory providing the highest at 446 per 100,000.

The reasons for these differences are essentially population size and distance and, on examination, are understandable. The ACT has a geographical size of only 2358 sq. kms. with a population of about 415,000, 410,000 of whom reside in the city of Canberra. As a consequence, distance and remoteness are not significant inhibitors to police response or service levels and the ACT Police have the unique Australian luxury of being likely to be able to respond to any emergency anywhere within their jurisdiction, with upwards of 75% of their on-duty personnel, within about an hour.

The Northern Territory (NT), conversely, has an area of 1,350,000sq.kms, including several off-shore islands, (a total of 17.5% of Australia's land mass) with a population of only about 246,000, which is spread across many remote and rural communities and centres. Whilst 120,000 reside in the Darwin region, recent economic demographics show the NT has 32 townships with between 200 and 500 residents, 18 towns with between about 500 and about 1,000 and 6 towns with between 1,000 and 2,000 people. The population density of the NT is 0.16 persons per sq. km. By contrast, the ACT has a population density of 151.49 persons per sq km.

These comparisons are important as distance, likely response times and the availability of forensic and other expert support, reinforcements and back-up, are critical criteria in determining effective and necessary operational policing levels.

Having regard to the location and nature of the planned WBD Development, it is realistic (based on 2017-18 figures) to expect policing ratio levels of between a minimum of 209 and a maximum of 275 police per 100,000 residents to be sufficient to deliver satisfactory levels of policing services.

Community safety will however be a key project design issue in determining police service delivery numbers. The West Belconnen/Parkwood Development will be situated close to a major city in Canberra, and will be serviced by high quality public road access. However, community attitudes to safety will be important to the credibility and integrity of the aim of the WBD to provide a master planned borderless and resilient community offering effective seamless levels of policing and justice services to all residents.

In a 2015-16 Australian survey, only 51.7% of people surveyed felt safe to walk at night with less than 25% feeling safe on public transport at night. It will be important for these potential concerns to be addressed as the Development progresses.

Direct Police Officer Costs

Based on accepted police ratio criteria, when the WBD development has reached its projected maximum population of 30,000, between 62.7 and 82.5 police officers will be required to maintain appropriate police numbers and service levels to the new community.

On the basis of the current projection that 13,500 of WBD residents will live in NSW, the numbers of police needed to police the NSW Parkwood development will be between 28.2 and 37 police officers, dependent upon the police ratio levels agreed between the ACT and NSW Governments.

The delivery of policing services in 2018 was estimated as costing \$388-00 per person, a reduction from the 2015-2016 figure of \$427. (9th highest in the OECD). That is to say that the cost of policing 30,000 people on 2018 figures would be \$11,640,000 and the cost of policing the anticipated 13,500 NSW residents, would be \$5,238,000. Whilst these costs can only be indicative, and indeed may reduce over time with continued technology advances, they are illustrative in comparing the policing options that have been proposed.

To further corroborate the above figures, the current total cost of putting a police officer on the street in Australia is estimated as \$149,362 p.a. On the basis of either 28.2 or 37 police officers to police the NSW Parkwood component of the WBD, the projected costs, on this costing basis, would be \$4.2 million or \$5.53 million p.a. based on individual police member costs.

The total number of police actually allocated to the WBD/Parkwood Development would be subject to negotiation.

Potential Infrastructure Costs

In view of the projected residential population of the WBD Development it is distinctly possible that a regional police station would need to be constructed within the Development itself. The 2019 Project update identifies that ultimately 11,500 dwellings will be constructed, 5,000 of which will be in NSW. Four suburbs are likely to be created together with associated infrastructure such as schools, a market centre, recreational, sport and community facilities. The requirement to provide between 62.7 and 82.5 police officers to service this community would, on current criteria, almost certainly require serious consideration of a regional police station with appropriate lock-up, interview and counselling facilities.

The NSW Regional Small Police Stations Program 2018-2019 issued on 23 February 2018 identifies costs for a four year program involving the construction of 15 small regional police stations across six distinct locations at \$15.9 million in total funding. These costs include land acquisition, design and planning, construction, commissioning and project management, IT fit-out and contingency funding. The project aims to provide modern, contemporary, safe and compliant facilities and environments to police, witnesses and prisoners which will offer improved transparency and community engagement.

These criteria reflect the aims of the WBD Project Team and provide good guidance in terms of the style and costs of any police station considered for construction within the WBD Development.

On the basis of the above figures and design features, a single regional police station of the type that would be needed to service the WBD would be in the order of \$1.5 m to \$2 million on today's value. Whilst between 62 and 82 police may be appointed to service the WBD community, these numbers will cover three shifts and a 24/7 working week and, particularly with continually improving technology and IT infrastructure, it would not be expected that more than a small number of police officers would be situated in the police station at any specific time. As a consequence it is anticipated that the police station designs and concepts contained in the 2018-19 NSW Regional Small Police Station Program provide a realistic indicator of current costings for a minimum but adequate regional police station within the WBD.

Specific costings against the proposed models - Service Deliver Option Funding Requirement

Option One – Special Member Model.

ACT & NSW Police – utilising the existing Special Member model with administrative Enhancements

AND

Option Two – Joint Patrols and Operations

Option One - Special Member model (above) plus joint NSW/ACT

Police patrols -No special financing arrangements were initially identified for either Options 1 or 2, but, for the reasons noted below, the almost inevitable over-reliance that would be placed on ACT police to respond and deliver police services to Parkwood residents, is likely to necessitate a separate financial agreement.

If the number of police agreed to service Parkwood was 28.2 the current cost would be to a maximum of \$4.2 million p.a.

If the number agreed was 37 police, the current cost would be to a maximum of \$5.53 million p.a.

In either case the actual cost to NSW would depend on the ratio and numbers of NSW and ACT police committed to policing the Parkwood Development.

NOTE:

Due to the lack of direct road access to the NSW Parkwood Development area from the NSW side, and the fact that Parkwood is effectively landlocked by the border, Ginninderra Creek and the Murrumbidgee River, NSW police members would need to travel through the ACT (probably from Queanbeyan) to get to Parkwood. This requirement alone, makes the “Special Member” model singularly unsuited to the delivery of equitable and effective policing arrangements unless ACT police were sworn as “Special Members” (known as Recognised Law Enforcement Officers-RLEO’s In NSW) and assumed responsibility for exercising the majority of NSW powers and authorities within the Parkwood development area. Such an arrangement would require funding arrangements similar to those identified below under the “Buffer Zone” model but would carry all of the “Special member/Joint Patrol service limitations identified in the Cross Border Policing Report.

Option One and Option Two

For either option 1 or 2 to operate effectively with any meaningful involvement of NSW Police officers which would obviously be necessary for the operation of joint NSW/ACT Patrols it would be almost essential for a Regional Police Station to be constructed within the WBD/Parkwood Development.

Small Regional Police Station construction cost: \$1.5 to \$2 million minimum.

Option Three

Cross Border Justice Model: NPY Lands arrangements (as operating in border areas of South Australia, Western Australia and the Northern Territory).

Costings similar to Options 1 and 2 but would need to be subject to negotiation.

Option Four

The Buffer Zone Model: Maximum Total Personnel costs – (ACT Police providing the full policing Service to the complete WBD/Parkwood Development under ACT Law.).

At 28.2 police officers to service Parkwood: \$4.2 million p.a. (A ratio of 1:478)

At 37 police officers to service Parkwood: \$5.53 million p.a. (A ratio of 1:364)

CONCLUSION

Whilst the actual number of police, agreed as being necessary to effectively police the West Belconnen/Parkwood Development, will need to be negotiated between the ACT and NSW Governments (or Yass Valley Shire Council) and between the ACT and NSW Police, the above formula and indicative figures provide sound guidance on the likely total cost configurations and comparisons.

The reality is that the landlocked nature of the Parkwood Development will operate to ensure that the majority of policing is provided by the ACT, regardless of the model selected.

Using the costings outlined above, it is clear that there is not likely to be a significant difference in the cost to NSW and the NSW Police, regardless of which model is adopted. Due to the lack of direct NSW access from Parkwood, the majority of police will almost inevitably have to be drawn from the ACT whichever model is selected. Even if the Joint Patrols and Operations model is adopted, NSW Police will have to recruit or transfer sufficient numbers to match ACT police numbers and the patrols would need to be supported by a regional police station.

Having regard to the intent of all parties to deliver a master planned borderless, resilient community which enjoys the delivery of equitable and seamless services and standards, the Buffer Zone model offers as significantly the most effective and cost efficient option for the delivery of police services.

However if it was agreed that ACT police would provide all or the majority of the police who will provide services to Parkwood, the proximity of the wider Belconnen and Canberra City community and the police numbers already available in the ACT may allow agreement to a lower number of police dedicated to the WBD area as a whole. As a guide to current practice, the 2018 gazetted police strength figures for Wagga Wagga, which has a population of some 65,000, was 136 (at a police/person ratio of 1: 477). Albury, which has a population of some 52,000 enjoyed a police strength of 130 at a ratio of 1:400, and the Monaro District, which includes 14 police stations including Queanbeyan, had a gazetted police strength of some 112, covering a population of some 38,000 spread across 14 communities at a ratio of 1:340.

By comparison in 2018, Canberra, with a population of 356,585 had a police strength of 949 at a ratio of 1:376.

In Canberra, Queanbeyan and several other locations within NSW there has been significant Police Union unrest about low staffing levels and the stress that lack of adequate staff is having on members' health and well-being. Whatever the reality, police to population ratios of 1: 340 or higher are highly likely to be seen as inadequate by police unions and are unlikely to be regarded as appropriate for a new development such as the WBD. This will need to be taken into account in any deliberations on policing numbers in the WBD context.

A handwritten signature in black ink, appearing to read 'Mick Palmer', with a stylized, cursive script.

Mick Palmer

16 May 2019