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In the March 2009 edition of the NT Police News I made the observation that it is “the desire to help other people in times of calamity that provides our real motivation for joining the police profession”.

This simple statement eloquently sums up our motivation and role as police officers.

I shared this story recently in Newman, Western Australia with police officers and the families of four police officers killed in a Police Air Wing crash near that remote town in 2001 (see article page 22).

Here yet another example of police officers killed while helping people they did not even know simply because it was the right thing to do. There are 714 names on the National Police Memorial in Canberra, including eight NT Police Officers. Each name tells a story of loss and sacrifice in the line of duty – helping people they did not even know because it was the right thing to do.

This is one of the reasons that I find the annual circus surrounding the release of the Ombudsman’s Annual Report offensive. It is a pity that people like the Ombudsman and others do not pause for thought before publicly pontificating from the safety of their leather office chairs about the conduct of Police. As NZ Journalist Karl Du Fresne, recently observed (see article page 34 this edition)

“Part of the problem, of course, is that snap decisions made by police in situations of danger and stress are subsequently subjected to critical scrutiny by people who have the luxury of time, safety and comfort in which to determine whether the police behaved correctly. Judgments made in haste can be reviewed by others at leisure.”

This decision by the DPP forces us to ask the question why we do it. The simple answer is always the same - “people need our help and it is the right thing to do.”

This is the reason why operational police officers will not be at home or with family at Christmas time, unlike the Ombudsman and the DPP. Instead, you will be out risking your life and health and sacrificing time with your family for people you do not even know because it is the right thing to do.

I know you will do the right thing well and professionally and I pray that you meet the first rule of policing “make it home from your shift”.

I made that observation in light of the bushfire disaster in Victoria in February of this year; however, “calamity” in our game comes in many shapes and sizes - from searching for a lost child or investigations of “minor” stealing, to the trauma of road accidents and the violence of murder.

The theme of the recent Police Association of South Australia’s (PASA) Annual Conference was “In Harms Way”. The theme and the stories of three individual South Australian Police Officers who had endured “and survived” life threatening situations reinforced for me the above observations.

The key note speaker at the PASA Conference was Jeff Baumbach, President of the Port Authority Police Lieutenants’ Benevolent Association. Jeff provided an emotional account of the 9/11 attacks on the World Trade Centre and the aftermath. The NYNJ Port Authority Police lost 37 officers that day and the suffering for families and officers continues.

Jeff reflected on what motivates individual police officers to place themselves in danger. He related a story about a conversation with his now deceased 92 year old father who had fought against the Nazis in Europe in WWII.

Jeff asked his father why he went thousands of miles from his home to fight for people he did not and would never know. The answer: “Those people needed our help and it was the right thing to do”.

The decision to prosecute Brad Fox by the Director of Public Prosecutions was a sad day. I understand the DPP initiated this prosecution without the support of the NT Police and on the basis of legal advice obtained by the same counsel who was counsel assisting at the coronial inquiry into the death of the person to which the charge against Brad relates. In my view, this calls into question the independence of that advice.

It is my understanding that the DPP has ignored the advice of senior police managers and highly experienced police investigators who determined that there was insufficient evidence to prosecute any person in relation to this tragic death.

The DPP has compounded this tragedy for both the deceased’s family and the police officers involved by this unwarranted and unprecedented action.

The NT Police Force has shown on numerous occasions that they will initiate prosecutions of police officers where there is a reasonable prospect of conviction. It is our view the DPP has simply ignored his own guidelines by initiating a prosecution that is doomed to failure.

Here yet another example of police officers killed while helping people they did not even know simply because it was the right thing to do. There are 714 names on the National Police Memorial in Canberra, including eight NT Police Officers. Each name tells a story of loss and sacrifice in the line of duty – helping people they did not even know because it was the right thing to do.

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To mark his retirement the Northern Territory Police Association Executive hosted a dinner for Paul and his wife, Cynthia.

In a letter to Association President Vince Kelly, Paul wrote: Cynthia and I thoroughly enjoyed our time in the Territory and the many times we were able to interact with police members of all ranks and families. The eight years at the helm of the NT Police Force was the highlight of my 41-year career in policing and I will always cherish the many great memories and challenges during my time as Commissioner.

Over the years there have been a number of times that the Association and the Commissioner have failed to reach agreement on important issues affecting the terms and conditions of employment of the Territory’s police. This included the important issue of the restructure and audit of the Force. And there were the smaller issues, such as the issuing of cargo pants and baseball caps as part of the uniform. Despite this the Commissioner was full of praise for Vince Kelly and the Association for its efforts over the years. He told the Association’s Annual Conference in September, “I also acknowledge the efforts of President Vince Kelly, the Executive and delegates for your commitment to improving the conditions of police officers. Your significant contributions to the O’Sullivan Assessment, Consent Agreements, and in particular the Housing Upgrade Program are all hallmarks of a successful Association. I should add that the Executive works hard to press home important industrial issues and has always done so in a robust but objective manner.”

The NT Police Association wishes Paul and Cynthia a long and healthy retirement.
REPORT FROM THE FIELD

ANNUAL CONFERENCE
The Annual Conference was held this year on the 14 and 15 September. The weekend prior all conference delegates participated in a workshop identifying the direction the NT Police Association (NTPA) will take over the coming years leading up to the 2011 Consent Agreement. The workshop was extremely successful and I hope that delegates took away a clearer view of the workings of your Association.

There were comments from visiting interstate delegates of the professionalism, participation and interest shown by all delegates throughout the conference.

We had the opportunity to have the Member for Nelson Gerry Wood address the conference and Gerry also stayed and fielded questions from delegates. The regional areas that will give direction to the executive and having strong and vocal delegates is a sure way to guarantee all members have a voice in the future direction of the police force and your association.

REGIONAL ELECTIONS
Nominations for Regional Elections were called in late October. Elections have been finalised apart from positions in the ACPO region that have gone to vote. The level of interest this year was pleasing and I congratulate all delegates on their election to regional positions.

There were a few new faces in some of the regions and I encourage those delegates to take an active role in ensuring your association maintains a strong voice at regional levels. I also welcome back regional delegates who have held their positions for a period of time now and have worked hard to ensure the voices of members in their regions are heard.

In the coming few years up to the 2011 consent agreement, your association will be dealing with a minority government and a new Commissioner. It is regional areas that will give direction to the executive and having strong and vocal delegates is a sure way to guarantee all members have a voice in the future direction of the police force and your association.

ROSTERING ISSUES
The roster review continues to be a bugbear with our members. Whilst it still remains an issue for management, our belief is that the matter should be out in abeyance until the announcement of a new commissioner. It may well be that a new face may have a new outlook on rostering and pushing on with any review started by our former commissioner may well be time and effort wasted in the long term.

That being said, the working groups have been formed and are preparing submissions on what is currently being worked in your area. So again I urge you, whilst this process is ongoing get involved and have your say.

HOUSING
The NT Police Association’s recent survey showed clearly that members consider their housing entitlement to be of very high importance with many indicating they may look for alternate employment if this allowance was eroded or removed.

We have conveyed the results to the department and, more importantly, to government. Your association is committed to ensuring this very important entitlement remains.

The housing upgrade program is still rolling out. In some stations the time frames have been adjusted and readjusted. This is frustrating for the members and we have been liaising with police housing and territory housing to attempt to keep members involved informed.

REMOTE TRIPS
On the 12 October Senior Vice President Tim Lloyd and I drove to Lajamanu and spent the night with the members there. We were joined by the members from Kalkaringi and enjoyed some great ‘bush’ hospitality. Issues that were raised with us there included short term relief, members being instructed to be contactable when on days off, vehicle issues and problems around prisoner conveyances. These issues have been raised with the department on the member’s behalf.

We then travelled to and overnighed at Timber Creek. Both Mick Lunney and Dean McKie are new at the station. Again we enjoyed a great night of hospitality. There are ongoing problems with the house and the station at Timber Creek which have been identified by the department. Together with Territory Housing they are looking for land upon which to build a new complex.

On the 20 October Tim and I travelled to Adelaide River and Daly River. Issues in respect of the housing upgrade program were raised along with problems in having minor repairs to houses completed. There were also concerns raised about the stations asked to justify the supply of Landcruisers at the stations. Given the country within the station districts, it can easily be argued that having a robust four wheel drive capable of getting in and out of areas within the district with the capability of vehicle recovery is of high importance. Again, these issues have been raised with the department.

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There have been some unforeseen glitches and TH have had to make some adjustments in the program calendar, but it is still moving forward.

I travelled to Gove on the 6 October and inspected some of the houses that had been upgraded there. Again, there are some issues that need to be cleared up and we are speaking to the department and Territory Housing to resolve the issues. I also travelled to Timber Creek on the 6 November to inspect a house identified for an ACPO residence. The house did not meet standard but for community housing it was in good condition and it was accepted under the variation clause.

Housing for ACPOs on communities continues to be a real problem with the new shires. Identifying housing to standard then resolving issues surrounding head leasing has the department and shire representatives at an impasse in many areas and ACPO transfers to some communities have been stopped due to the housing problems. Until there is a resolution this will continue to be a real problem for the department to house ACPOs.

In September a trip by the Police Arbitral Tribunal members involved visits to numerous stations including Wadeye, Yuendumu and Yulara to view the upgrades. The tribunal is satisfied with the progress and whilst some areas are behind schedule, the delays have sound explanations which have been accepted by the PAT.

The program to upgrade the Allchurch Street Barracks remains a high priority but with the current financial crisis finding developers who have the financial support to get the job done is proving difficult. Your association will continue to monitor this issue and receive regular updates from the department.

Finding housing in Alice Springs continues to be challenging with the rental market vacancy rates still well under 1%. Whilst the vacancy rates are not as tight in other areas in the NT, the rental market is still extremely tight and finding housing which meets GEH standards and remains within budget guidelines is an ongoing priority.

I continue to conduct house inspections in the Darwin area as well as communities alongside police housing representatives whilst regional delegates and executive members conduct regular inspections in other areas.

**FAQ’S**

**Do I get days off when I move house?**
Yes - Clause 64 of the 2008 CA states that when the Commissioner requires a member to move, you are entitled to 48 hrs uplift and 48 hrs downlift.

**What are the minimum standards?**
The Housing agreement certified in 2005 sets the minimum housing standard as Government Employee Housing. These are available to view at the NTFA website under Conditions of Employment – Housing agreement.

You may find that some properties may be slightly below standard in some aspects whilst others may be above standard. This is a reflection on the very tight rental market and in some areas in the NT; there will never be a property that meets all of the standards. Your association takes the view that in those areas, members will have access to the best standard of accommodation available and those properties are sourced.

**What about pets**
Police housing staff always ask property managers and owners whether pets are acceptable. Members however need to be aware that the department is responsible for supplying housing for you and your family only. Pets are always considered but unfortunately they are not part of the standard or agreement.

**Pools**
Short answer – they are above standard and those members that have pools are very lucky. Again, due to the rental squeeze often the only properties available come with pools / spas and police housing have no option but to take on the lease. In this scenario, the house is assigned on a first come first served basis.

**Location**
Location of properties is tied in with rental vacancy. If there are no properties that meet standard in a certain area then it is somewhat difficult to meet specific requests in regards location. I know that police housing staff trawl the internet daily seeking vacancies in all areas to accommodate members needs however in many instances, there simply are no properties available in the time period required to house the member.

The NTPA’s recent survey showed clearly that members consider their housing entitlement to be of very high importance...

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ENSURING CHRISTMAS CHEER DOES NOT TURN INTO A NEW YEAR HANG OVER

In March of this year I wrote an article in which I considered the dangers of members engaging in public electronic “chat rooms” such as “You Tube” and “Facebook”. I went in that March 2009 article that “a member’s conduct may be called into question if the Commissioner believes, objectively, that the member has conducted him or herself in such a way as to have committed a breach of discipline contrary to section 76 of the Police Administration Act (“the PAA”).”

I then went on to say that “members must at all times, whether on or off duty, keep in mind that they are obliged to ensure that their own actions do not have a detrimental effect on the integrity and respect of others. Members should at all times consider the possible consequences of their actions on others”.

Section 76 of the PAA states relevantly that:

A member commits a breach of discipline if the member – (a) engages in disgraceful or improper conduct, either on or off duty; The Code of Conduct expands on this and states, relevantly, under the heading “Personal Conduct”:

Members’ behaviour on and off duty may often be the subject of public scrutiny and comment.

Members must always conduct themselves, both on and off duty, in a proper manner that does not bring, or has the potential to bring discredit to, or adversely affect, the police force.

To maintain the respect of the community it is critical that members’ conduct on and off duty is beyond reproach, members should endeavour to be role models for the community (emphasis included and defined within the Code to be prescriptive).

The combined effect of section 76(a) of the PAA and the Code of Conduct is that police officers must give consideration to the possible implications that their own actions may have on the general reputation and integrity of the Police Force.

It is arguably self-evident as to what kinds of “on-duty” behaviour may fall foul of section 76(a) of the PAA and the Code of Conduct and it is not intended to delve into that aspect of breaches of section 76(a) of the PAA. Conduct “off duty” that may attract departmental attention and possible disciplinary action under Part IV of the PAA may however be more problematic.

Given the festive season is upon us and the majority of our members will be gathering at work-related social functions – i.e. station or section Christmas parties/dinners and other “off duty” social gatherings – it is timely to consider what obligations members have to the police force whilst enjoying their own private time and engaging in activities that are not of themselves matters that impact on their obligations as a police officer.

There have been many decisions over the years in courts and industrial tribunals that have considered the circumstances in which an employer might seek to exercise supervision over an employee’s conduct occurring outside of the employee’s work hours and therefore in the employee’s own private time. I intend to look at three such matters that have been decided over the past 10 years and which will give members an insight into what is expected of them in their own down-time to ensure they do not become the subject of disciplinary action for “disgraceful or improper conduct...off duty”.

The first decision that I shall refer to is Appellant (C No. 21972 of 1998) v Respondent (U No. 40204 of 1997) (unrep) AIRC (Full Bench) decision 079/99, 1 February 1999 – a decision of the full bench of the Australian Industrial relations Commission on appeal from a single member of the Commission.

In that matter, a member of a flight crew of an international airline was dismissed for engaging in (allegedly) non-consensual sexual activities with a flight crew member of the same airline (although different flight) after they had been out together with other members of both flight crews during down time in Tokyo. The dismissed employee was never charged with any criminal offences and was purportedly dismissed for breaching the airline’s Workplace Harassment Policy, that the actions of the dismissed employee were “in connection with the employment of the employee” and that his conduct “was improper and in breach of Company policies”.

In the decision at first instance, it was held by Deputy President Drake that the policies of the airline did not govern the conduct of the two employees in the privacy of the bedroom of one of them. In reaching her decision, DP Drake found that employees of the airline, when staying at an overseas location overnight, “were in the foreign port consequent upon their employment but the break was intended to be a break in the performance of their employment obligations and, except in exceptional circumstances.

“The employers (sic) right to an overview of an employee’s conduct does not operate whilst the employment obligations are suspended as in a break. Employees were expected to engage in personal pursuits – sleep, sex, personal business, pursuit of personal relationships and shopping to name
a few - all matters over which the respondent would have no domain.

In some cases the respondent would have an appropriate and proper interest in the activities undertaken during the break, eg where they might reflect on the respondent in the conduct of its business or where the act of engaging in such activities might indicate unfitness for work or is intrinsically improper conduct. These exceptional circumstances might include drug dealing, paedophilia or exposure of one’s person in public. These activities can be regarded as exceptions to the general concept that an employee’s conduct in personal time is not reviewable by an employer for the purpose of considering the continuance of employment, ie any number of breaches of criminal law or the ordinary standards of social conduct. This would vary according to the circumstances of the applicant and the business undertaking of the respondent. In most cases this type of conduct would be reviewable whether it took place in a break or outside the course of employment...

In all cases an activity, to be reviewed by the employer must go to the heart of the employment contract - those matters an employee is contractually required to perform eg it would go to the heart of a contract of employment between a police officer and his employer if that officer were found to be parading naked outside a schoolyard (emphasis added).

In the instant case, DP Drake concluded that “excluding any extraordinary conduct previously referred to and possibly subject to the outcome of any criminal charges, activities therein are the concern of the participants only.”

In reviewing the decision of DP Drake in this matter, the Full Bench of the AIRC considered the Federal Court decision in Manus v Scott-Charlton (1996) 140 ALR 625, which, whilst dealing with the specific question of whether an employer may proscribe the off-duty sexual harassing behaviour by one employee of another, went on to consider the broader question of when conduct outside of the workplace can occasion adverse workplace effects and would therefore, in my view, bring into operation the “off-duty” aspect of section 76(a) and the Code of Conduct. In that case, Finn J stated that:

“there can, though, be circumstances, ...where conduct outside the workplace can occasion adverse workplace effects. The reason for this is that the continuing workplace proximity of the (impugned employee) and the (alleged victim) can cause the impact of the (impugned behaviour) to endure into the workplace.”

The Full Bench then went on to consider the decision of Staindl JR in Hussein v Westpac Banking Corporation (1995) 59 IR 103 on the question of the test to be applied on whether an employee’s conduct out of hours had a connection to the employee’s employment for the purpose of disciplinary action against that employee, quoting, at page 107 and 108 of that decision, the following passages:

“...a conviction on a drink-driving charge which occurred outside work hours would not be relevant to the employment of many people. However, it would be of critical relevance to a truck or taxi driver. It seems to me that an appropriate test is whether or not the conduct has a relevant connection to the employment.”

In this matter, His Honour was deciding on the contested dismissal of a migrant liaison officer with Westpac Bank following the employee’s conviction on credit card fraud unconnected with his employment. His Honour in that case held that Westpac had a valid reason for terminating the employment set out the circumstances on which he concluded that there was a relevant connection between the employee’s criminal convictions and his employment in the following terms:

“The applicant assisted people who came into the bank: at times he would interpret for them, explain the bank’s procedures, help them complete various forms, help them carry out a range of banking transactions and advise them about different services offered by the respondent. At times he assisted in the processing of traveller’s cheques, he verified signatures on withdrawal forms, and was directly involved in the processing of loan application forms. Although he would not normally handle cash on behalf of customers I am satisfied that on occasions he did so. In these circumstances it is apparent that the applicant had a position of responsibility and trust. The respondent was entitled to expect that a person in his position be trustworthy. It needed to be able to rely on his honesty in the carrying out of his duties. Because of the applicant’s conduct the respondent no longer had that trust and could not rely on the applicant’s honesty.”

Returning to the instant decision being highlighted for the purpose of this paper, the Full Bench, having considered the above precedents, found that they both demonstrate an employer will have a right to extend a power of supervision over the out of hours private conduct of employees only in exceptional circumstances and that what employees do in their own time, outside of their actual hours of work, “is their own business”.

However, as shall be seen in the next decision under consideration, there is some sting in the tail of an employee’s conduct that is related to, but not part of, conduct that an employer has misdirected itself as being relevant to the employer’s interests.

Telstra Corporation v Streeter [2008] AIRCFB 15, is a decision of the Full Bench of the Australian Industrial Relations Commission on appeal from the decision of a single Commissioner in which the Commissioner found the decision of Telstra Corporation to terminate the employment of the employee was harsh, unjust or unreasonable.

Not surprisingly, the facts of this matter are similar in nature to the facts in the decision in Appellant (C No. 21972 of 1998) v Respondent (U No. 40204 of 1997) (above). In this case, the employee and other employees had attended a Telstra Corporation branch Christmas party, including pre-dinner drinks at a hotel, dinner at a nearby restaurant and post-dinner drinks, again at the hotel. Four Telstra staff had also booked into another nearby hotel for an overnight stay as they were required to attend for duty the next morning.

The dismissed employee returned to the latter hotel in company with a male employee who was staying in the hotel room and another man. The other occupants of the hotel room were three other female Telstra employees, all of whom were in bed
asleep or ready for sleep when the dismissed employee and the males returned to the hotel room. The dismissed employee, by all accounts heavily intoxicated, engaged in sexual conduct with the male Telstra employee in the presence of the other female employees as well as undertaking certain other behaviour that the other employees found harassing (I’ll leave it to you to read the facts of the case).

The behaviour of the dismissed employee was complained of by one of the other female employees the next day and Telstra Corporation undertook an investigation into the matter. The dismissed employee was interviewed twice during the course of the investigation and ultimately confessed to having lied to her employer when questioned about the events of the night that were the subject of the investigation.

At first instance, Senior Deputy President Hamberger determined that the behaviour complained of was not sexual harassment within the meaning of the Sexual Discrimination Act and was therefore not a matter that Telstra Corporation could be concerned of as being vicariously involved in the actions of the employee for the purpose of that Act nor was it such as could be deemed to have been connected to her employment and that on that basis the decision to terminate the employment of the employee was harsh, unjust or unreasonable.

In relation to the issue of the dismissed employee having lied to Telstra Corporation investigators, SDP Hamberger firstly considered the principle discussed in McIndoe v BHP Coal Pty Ltd (PR901846, 2 March 2001) that termination of employment was not harsh, unfair or unreasonable in circumstances “where the employee has knowingly set out to breach company policy and then fabricated an excuse for his behaviour”. The principle here is that even where a breach of policy may be minor, subsequent dishonest actions in attempting to cover up the breach or deny any wrong doing may result in a breach of trust that is fatal to the employer/employee relationship.

SDP Hamberger then sought to distinguish the general principle and the matter that was before him, saying “The conduct about which Ms Streeter lied was of an inherently personal nature. Lying is never to be condoned. However, given the nature of the conduct about which she has been untruthful, I do not consider that any dishonesty on her part has been such that it should be regarded as likely to destroy the necessary relationship of trust between an employer and employee.”

On appeal, the Full Bench did not seek to overturn the decision by SDP Hamberger that the behaviour of the dismissed employee on the night in question was not related to her employment and therefore was not a reason for termination of that employment.

However, the Full Bench found (in a 2-1 majority decision) in favour of Telstra Corporation on the question of whether the employee’s subsequent action in lying to investigators on two occasions was sufficient reason to terminate the employment of the employee.

In handing down the majority decision, Senior Deputy President Acton and Senior Deputy President Cartwright stated:

“We are satisfied there was a valid reason for the termination of Ms Streeter’s employment by Telstra related to her conduct, being her dishonesty with Telstra during the investigation it conducted on 28 February 2007 and 14 March 2007 into her activities in the room at Hotel B on 24-25 February 2007 ... Ms Streeter’s dishonesty during the investigation meant Telstra could not be confident Ms Streeter would be honest with it in the future. The relationship of trust and confidence between Telstra and Ms Streeter was, thereby, destroyed.”

The third decision being considered in this paper is that of Rose v Telstra Corporation Limited U No. 20564 of 1998 (4 December 1998). In that case, Rose, the Applicant, was dismissed following an incident with a fellow Telstra employee whilst sharing a hotel room when both were working away from home. They were both in receipt of travel allowance. Both men were off duty at the time of the incident and had been drinking at a local night spot earlier in the night.

After finishing work on that day, Rose and Mitchell went to dinner and then to a nightclub. Both men were drinking throughout the evening and later had a heated argument whilst at the nightclub.

Mitchell left the nightclub at about 2.30 a.m. and returned to his hotel room. Rose followed some 20 to 30 minutes later and a fight ensued between them which resulted in Rose being stabbed in the abdomen.

...it is timely to consider what obligations members have to the police force whilst enjoying their own private time...
There were a number of matters considered in this decision, but of relevance to this paper the only matter that needs attention is the question of whether Rose’s behaviour on the night in question had any nexus with his employment or whether Telstra Corporation was justified in concerning itself with that behaviour.

In his decision, Vice President Ross stated:

“It is clear that in certain circumstances an employee’s employment may be validly terminated because of out of hours conduct. But such circumstances are limited:

- the conduct must be such that, viewed objectively, it is likely to cause serious damage to the relationship between the employer and employee; or
- the conduct damages the employer’s interests; or
- the conduct is incompatible with the employee’s duty as an employee. In essence the conduct complained of must be of such gravity or importance as to indicate a rejection or repudiation of the employment contract by the employee.

Absent such considerations an employer has no right to control or regulate an employee’s out of hours conduct.”

VP Rose then, later in his decision, reiterated that:

“Employers do not have an unfettered right to sit in judgment on the out of work behaviour of their employees. An employee is entitled to a private life. The circumstances in which an employee may be validly terminated because of their conduct outside work are limited.”

It is clear therefore that whilst the Commissioner may be expectant of members behaving with propriety whilst both on and off duty, there are limits as to the extent of Police Force interests in the off duty behaviour of individual members.

I also note the requirements of an earlier, 1998 version of the Code of Conduct, which states:

“Your conduct off duty is of concern if it brings, or has the potential to bring, discredit to the Police Force or adversely affect (sic) your job performance, especially in small communities”.

To me, this sums up the situation nicely, albeit with the on-going proviso that what amounts to behaviour that has the “potential” to bring discredit to the Police Force is ultimately a question of fact on a case by case basis.

In conclusion, I wish all our members the very best of Christmas cheer and good fortune in 2010. Eat, drink and be merry – but be mindful of the potential 2010 hangover should Christmas 2009 have too much cheer with unintended consequences.
The conference workshop identified five key industrial and workplace issues for our Association and all members. These were:-
• Superannuation
• Uniforms
• Housing
• Resource allocation (Staffing)/Rosters
• Reform of the Discipline System
Members concerns in relation to these issues were reinforced during the regional reports to the conference where all regions emphasised ongoing concerns in relation to staffing across the Police Force. Despite the increases in staffing since 2003 regions continued to report shortages due to new initiatives and the ongoing requirements to staff Operation Themis stations.

The discussions and key issues identified by conference delegates shared much in common with the result of the NTPA survey which was conducted in May/June 2009. (See summary on page ?)

A number of key issues were identified in the survey including:-
• Police Management
• Promotion/Selection
• Housing
• Staffing/Rosters
• Internal Communication

The Executive will consider how each of these key issues can be progressed in the interests of all members over the coming months and years.

The Annual Conference also adopted policy positions in relation to the recently completed Taser review and the ongoing debate in relation to Police Uniforms.

Our conference was again attended by the political leaders of the government and opposition, however, this year conference was also addressed by the independent, Gerry Wood MLA. Mr Wood outlined his agreement with the minority government and how he saw his role during the life of the government.
During the evening NTPA President Vince Kelly presented NT Police Legacy Chair, Deputy Commissioner Bruce Wernham, with a cheque for $20,000 – proceeds from the Huitson Memorial Golf Day. A further $1600 was raised on the evening following further donations from Mr Shane Stone, (former Chief Minister) and NTPA Life Member Sergeant Gowan Carter (retired).

NTPA Life member Sergeant Andy Smith (retired) was presented with a retirement gift after playing hard to get for almost a year since his retirement.

This year the guest speaker was WA Assistant Commissioner (Retired) Bob Kucera. Bob had over 30 years service in the West Australian Police before resigning for a political career in the WA Legislative Assembly between 2001 and 2008, including ministerial positions.

Bob has a close affinity with many NT members. He is also active in many sporting and community groups. Bob shared his reminiscences of his 40 years in public life as a police officer and Member of Parliament.

No other vocation, he said, touches every possible facet of the human condition, the very worst and the very best.

He joined the WA Police Force in 1964, when you had to be 180 cm tall with a barrel chest and at least have finished school. To reflect the enormous diversity they had to deal with, he and his colleagues were drawn from every corner of the community, and learnt in the University of Life.

The two most important lessons were, build an effective and lasting partnership with the community and loyalty to your mates and colleagues. His view is that both qualities are now seen as a bad thing in the eyes of the new breed of police administrators, a plethora of investigative bodies and so called commentators on the profession of policing.

Senior Police have either forgotten these are in fact the two most essential weapons in the Police Officers arsenal, or have never been down in the mud and the blood and the beer.

“In many instances our proud police forces appear to be led not by “New Centurions” but by “compasses”, 360 degrees and no sense of direction. With layer up on layer of restrictions, break up of specialist squads, insistence on the rights of the crook, at the expense of good police practice, he wonders how nowadays police ever gain convictions,” said Bob.

As a Detective he could actually talk to crooks, in fact was actively encouraged to cultivate informants. His greatest asset was the community network and “fizzes”, whose identity he would not divulge even when...
ordered by a Supreme Court Judge. “Now-a-days you have to identify, register, photograph, and hand them over to an ‘Informant Squad’. It’s a bloody nonsense.”

In Western Australia where it has recently been suggested that you even have to register a family member who may have a criminal record, just in case it may taint you as a copper, Bob asked, “What have we come to?” All of this is pointing to a complete lack of trust by police administrators in the ability and integrity of their Officers.

The easiest way to get a “pinch” was to go and ask “Who dun it”, but how he would have loved today’s amazing technology. He cherished every minute as a detective and described the incredible “Buzz” when a three month operation paid off or the exhilaration when skillful interviewing “Got a Cough”.

Despite all of the new demands, pressures and challenges, he praised young officers who still think it’s the greatest job in the world. As a senior police administrator he always worked on the adage that if your decisions did not make the job of the most junior officer better, you weren’t doing your job.

He spoke of the unique challenges facing the Northern Territory Police, particularly working alongside and with the Indigenous communities, and congratulated them on a job well done, being the only one on the ground 24/7, and 365 days a year. Bob coupled this with all the other enormous demands, the changed nature and attitude of police administrators and spoke passionately about the role of Associations and Unions and why they have become so vital.

Often they are the only voice the working officer has. Whether in the gutter or soaring with the eagles the one thing that didn’t change over all his years spent in Policing, was that safety net. In his years in Government, it was usually the Unions who persuaded his Parliamentary colleagues to provide the vital resources, not their Senior Police Leaders.

He was clear that we must never lose sight of the fact that the Police are, as Sir Robert Peel said, merely members of the community paid to do what should be the incumbent duty of every other member of the community. It is and always has been a shared responsibility.

Finally Bob paid tribute to one group who are always there to pick up the pieces, soothe the hurt, fix the broken dreams, and help coppers face the next day in the job, our partners. His wife Susan has been the wind beneath his wings throughout both careers. To her and all the wives and partners, he concluded by simply saying, “Thank you for sharing the ‘job’ with us”.

Senior Aboriginal Community Police Officer Denise Goddard has been awarded an NTPA Branch Service Award.

The executive of the NT Police Association has recognised the valuable contribution Denise has made to both the ACPO region and Barkly Region of our Association. Denise has always been forthright in advocating the interests of ACPOs in the workplace.

Denise has fought some personal battles in recent years; however, she has maintained her commitment to our Association throughout.

While the award was made by the executive the local Barkly region was fully supportive of recognition of Denise’s contributions. An award presentation was made in Tennant Creek in September this year.
SURVEY RESULTS

IN MAY AND JUNE THIS YEAR THE NORTHERN TERRITORY POLICE ASSOCIATION CONDUCTED A SURVEY OF MEMBERS. IT SHOWED THAT MEMBERS SHARE THE CONCERNS OF ASSOCIATION DELEGATES ON A NUMBER OF KEY ISSUES.

ABOUT THE RESPONDENTS
21 per cent of members that took the survey were senior constables, 17 per cent sergeants, 12 per cent senior constable first class and 11 per cent constables. 72 per cent of those who took part were males with 28 per cent females.

Just over half (52 per cent) of those surveyed have been members for ten years or less with 36 per cent less than five years and 26 per cent six to 10 years.

More than half (60 per cent) are aged between 31 and 45 years, with 23 per cent aged 46 years and over and 17 per cent aged 30 years or younger.

One quarter of respondents are based in the Darwin Region (25 per cent), with 14 per cent based in the Berrimah Region and 22 per cent in the Alice Springs region.

THE ASSOCIATION
Most members (73 per cent) have never held the position of delegate or office-holder with the NT Police Association, with 14 per cent having previously held the position of either delegate or office-holder with the Police Association, and 13 per cent currently hold the position.

78 per cent of members surveyed have attended an Association event. 40 per cent have attended an Association branch meeting and 38 per cent have attended an Association workplace meeting. 47 per cent have had contact with the Association for work reasons and 18 per cent have had contact with the Association for personal reasons.

Over half (57 per cent) of those surveyed are happy with their current level of involvement with the Association. 23 per cent would be more involved if they thought it was necessary and 13 per cent would like to be more involved but can’t attend branch meetings. Only 7 per cent are not interested in being more involved.

On a scale of 0 to 10, 17 per cent of members surveyed rate the overall performance of the NT Police Association between 0 to 5 and 82 per cent rate the performance between of between 6 and 10. The average rating was 7.2.

Members surveyed rate the Police Association most favourably when it comes to communicating with members (79 per cent total good), supporting members with problems (75 per cent) and protecting members’ entitlements (72 per cent). Members rate the Association positively when it comes to campaigning, specifically in terms of negotiating wages and conditions (68 per cent) and campaigning publicly on police issues (64 per cent).

CONSENT AGREEMENT
Almost three quarters (73 per cent) of those surveyed were satisfied with the last Consent Agreement negotiations. 15 per cent were dissatisfied, 7 per cent can’t say and 6 per cent were not in the Association during the last Agreement.

33 per cent of members surveyed consider pay increases as the first most important priority for the next Consent Agreement and 19 per cent consider additional superannuation.

In terms of the second most important issue for the next Consent Agreement, 21 per cent rate increasing the existing allowance rates and 16 per cent want to see additional superannuation contributions by the employer.

17 per cent rate additional superannuation contributions as the third most important priority for the next Consent Agreement.

HOUSING ENTITLEMENT
Almost all of the members surveyed rate the housing entitlement as important (95 per cent), with 91 per cent rating it as very important.

61 per cent of members’ surveyed rate the housing allowance as the most important component of the housing entitlement, while 34 per cent rate free housing as the most important component.

If the housing entitlement was eroded or reduced 71 per cent of members surveyed would be likely to consider seeking employment elsewhere while 17 per cent think it is unlikely they would consider seeking employment elsewhere.

COMMUNICATIONS
Most (71 per cent) members are satisfied with the current contact they have with the Association. 24 per cent want more contact while no members surveyed want less contact.

Almost all (99 per cent) of the members surveyed read the NTPA magazine – 76 per cent read it regularly, 16 per cent sometimes and 7 per cent occasionally.

Of those that read the NTPA Magazine, 78 per cent are satisfied with the magazine, 20 per cent are neither satisfied nor dissatisfied, and 2 per cent are not satisfied.

The most acceptable forms of communication from the Association were those directed to members at work – 99 per cent prefer email at work, 98 per cent a workplace visit, 98 per cent mail to work and 95 per cent find a phone call at work acceptable.

The most unacceptable forms of communication were those directed to members at home with
53 per cent finding a home visit unacceptable, 44 per cent find a phone call at home unacceptable and 35 per cent find an email at home as unacceptable.

SERVICES
Most of the services offered by the Association listed were considered either very important or quite important. Members consider the most important services to be negotiating salary and conditions (87 per cent), legal assistance and advice (86 per cent) and disciplinary advice and assistance (83 per cent).

70 per cent of members consider industrial advice and assistance as very important, followed by 68 per cent that consider the resolution of disputes as very important.

The service that received the highest not very important rating was the NTPA Magazine (35 per cent).

YOUR WORKPLACE
Members surveyed tended to work in uniform 24 hour – general duties (33 per cent), investigations/intelligence/drug enforcement (25 per cent) or ‘other’ (16 per cent). 10 per cent work in communications or front of counter and 9 per cent work in administration.

Members were most satisfied with aspects of their position that included the actual work itself (83 per cent) and relationship with immediate supervisor (83 per cent). 67 per cent are satisfied with their working conditions, 63 per cent are satisfied with their workload and 58 per cent are satisfied with rosters.

DISSATISFACTION
Members are most dissatisfied in terms of the number of police in their workplace (44 per cent) and uniforms (33 per cent).

Workplace morale amongst members surveyed is reasonably low, with only 37 per cent rating it as very high/high. However, 45 per cent rate workplace morale as average and 17 per cent rate it as low/very low.

79 per cent of members surveyed think that there are not enough police in the Northern Territory, with 20 per cent thinking there is about the right number and only 1 per cent think there are too many.

90 per cent of members surveyed think there are not enough police in operational roles in the Northern Territory, 9 per cent think that there are about the right number.

YOUR FUTURE
50 per cent of members surveyed are not seeking promotion, while 37 per cent plan to seek promotion in the next two years and 11 per cent are currently seeking promotion. 17 per cent are currently qualified/eligible for promotion.

Of the 50 per cent that are currently not seeking promotion, 54 per cent said that it was because they are happy at their current level. 34 per cent are ineligible and 33 per cent believe the process is not merit based. 22 per cent think that there are unreasonable pressures associated with the next rank and 21 per cent think that the salary difference between ranks is too small.

45 per cent of members surveyed plan to transfer in the next five years. 30 per cent are willing to change their residence but 15 per cent will only transfer if they don’t have to change their residence. 34 per cent do not wish to transfer and 20 per cent are willing to consider a transfer if there are clear rules which were applied equitably.

SENIOR MANAGEMENT
68 per cent of members surveyed score the overall performance of Senior Management of the NT Police as five or less and 32% rate the performance as six or greater. The average rating was 4.3.

When it comes to members’ opinions on senior management, 75 per cent of members surveyed agree that senior managers are only concerned about statistics and 70 per cent of members surveyed agree that senior management needs exposure to new ideas. 58 per cent agree that senior management is out of touch with members and the needs of the community and just under half (48 per cent) agree that senior management interfere too much in day-to-day policing.

Over half (57 per cent) of members disagree that senior management leads by example. 55 per cent disagree that senior management understand the issues faced by members and 41 per cent disagree that senior management support their members.

The NT Police Association thanks all members who took the time to complete the survey.

PLEASE SUPPORT THE ADVERTISERS WHO SUPPORT YOUR MAGAZINE
idiyu is a word from the Ngaliwurru people of Timber Creek. Its simple meaning sums up the philosophy of the Indigenous Policing Development Division.

This band of dedicated officers, headed up by Superintendent Tony Fuller, undertake the training of Aboriginal Community Police Officers (ACPOs) for the important role they play in communities around the Territory.

They also undertake the cultural awareness and cross-cultural courses for non-Indigenous members. In this Territory, where Indigenous Australians make up about 30 percent of the population it is imperative that police understand the cultural differences.

While the number of fully-operational sworn Indigenous members is not high the Force has an increasing number of Aboriginal Community Police Officers (ACPOs) who work within their own communities assisting the local sworn members. Following a recent graduation of nine Indigenous officers there are now 38 with 71 ACPOs.

The probationary constables are now working in some of the larger centres around the Territory – Katherine, Darwin, Palmerston, Tennant Creek and Casuarina.

The ACPO training course is 12 weeks with an additional 19 weeks training for those who want to transition to constable. They must then serve 18 months probation. A sworn constable undergoes 26 weeks training and is on probation for two years.

There is currently a squad of nine ACPOs undergoing training at the Berrimah Police Centre. During the course the instructors see the trainees grow in self-confidence. They come from varied backgrounds. This course includes stay-at-home mums, hairdressers and security officers. The one thing they all have in common is they want to help their communities and break down the racial barriers.

They will join in what is already a success story. Since 2003 the number of ACPOs has doubled.

“During their first years as ACPOs they wouldn’t say boo. Now they are leaders among their communities,” says Superintendent Tony Fuller who heads up the Indigenous Policing Development Division.

Discussing the motives for taking on this leadership role within their
communities all the trainee ACPOs (TACPOs) agreed it was important to help break down the racial barriers. They want to look after their people and increase the social order.

“I speak Creole and that will make it easier to speak to the kids around Darwin,” said one TACPO. “I don’t want to see the kids go down the wrong way. I want them to grow up with respect and not falling into the stereotype of excessive drinking and no jobs,” said another.

The ACPOs work alongside the sworn members in their own communities. Their local knowledge is invaluable, but the sworn members must understand the local social rules that the ACPOs have to abide by. These can include not being able to speak the name some members of the community because they are “poison skin”. Senior ACPO Lorraine Jones says there are ways around this and the ACPOs and sworn members work it out. There is no withholding of information.

Lorraine spent 13 years as an ACPO in her community at Timber Creek before she felt it was time to come in to Darwin and the Berimah Police Centre. Now she works with the trainees, passing on her wealth of experience. She also assists with the cultural awareness training of the non-Indigenous members.

One of the trainees, Trevor Presley, says Tony Fuller with pride. “The change in them over the 18 months is exceptional and they are all still here.”

Tony Fuller spent many years working at Groote and Nullimboy and has a real infinity with the Indigenous communities.

Another program undertaken by the Unit is STARS – Stop Territory Aboriginal Road Sadness. The Indigenous community is over represented in the Territory’s road statistics – make up about 50 per cent of the fatalities. STARS targets the issues that are prevalent within communities – overloading cars; no seat belts; drink driving; walking along roads at night wearing dark clothing and even lying down on roadways.

This is all part of cultural awareness and inclusiveness. It is all part of Yidiyu.
Remembrance well is important for our health, and our spiritual life. When we do not remember well we become disorientated. Ever had the experience of entering a room of your house and forgetting why you had entered it? We stand with preoccupation; immobilised trying to remember what the reason was and we get stuck. What do we do? We have to retrace our steps to recall the thing we needed to do.

When we remember well, we know who we are and where we are going. We reaffirm the truths and values that shape our lives and community. The ancient Cicero said it this way ‘If you do not know where you come from you will always be a child.’

Today amidst prayers and songs we remember well in this sacred place and moment – we remember well by recalling sacrifices in the midst of our commitments to bring restoration and help to others.

This is an important spiritual practice that helps us to not be captive to debilitating loss. We look back at our tracks in its sorrows and joys but with a road beneath our feet leading us forward - the road in helping others in restoration and healing. This road to restoration recognises the ongoing search in our head and our hearts for meaning in the experience of suffering and evil.

The national museum in Canberra opened a display on the personal story of a survivor of the Bali tragedy. We are just a few days short of its sixth anniversary. Through the life portrait of Simon Quayle, coach of Kingsley Football Club WA, we caught a glimpse of the personal trauma...
and recovery in the wake of that fateful day. Alongside Simon’s photo is a Kingsley Football Club premiership T-shirt, with the words printed on it - ‘In search of the holy grail’. It is Simon’s t-shirt, smeared with blood, and not his own, for 7 members of his team lost their lives. Simon described the experience as a war scene. And then there are descriptions of the searching, for team mates, friends and relatives and for some meaning in it all.

The search echoed on Simon Quayle’s T-shirt, “In search of the holy grail”; has now been reshaped with a deeper meaning. No longer is life a search for a sporting cup, but the search for healing and restoration as he seeks to support those who have been left behind. The holy is now in the memories and the resolutions that flow from that day.

They underscore this truth – ‘as we contribute to the restoration of others, we find a way for our own healing to emerge’ and this nurtures a true hope. From the prophet Isaiah 58 we heard v6-8; IS IT NOT THIS THE FAST THAT I CHOOSE: TO LOOSE THE BONDS OF INJUSTICE, TO UNDO THE THONGS OF THE YOKE, TO LET THE OPPRESSED GO FREE, AND TO BREAK EVERY YOKE? ..THEN YOUR LIGHT SHALL BREAK FORTH LIKE THE DAWN, AND YOUR HEALING SHALL SPRING UP QUICKLY;

Our recovery is intimately connected with those who carry the burdens of injustice, loss and poverty. Our healing is found through our participation in the help of others, because we each participate in a shared humanity, made in the image of God – ‘what touches one, touches all’.

(Luke 15 vv.1-7) Our reading from Luke is a story of Jesus which may give us insight into the spirituality for recovery and healing. In the story the shepherd reflects the character of God. This shepherd seeks the lost one, leaving the ninety nine. Like the partners, friends, and rescuers involved in tragedies like the Bali bombing, and health staff overwhelmed by the wounded; like husbands, children, and parents waiting and then going to Bali to search; and like the police, chaplains, forensic and diplomatic staff, in the days and months that followed; they are the ones who searched - they have been the shepherd searching. And in this church today there are many of you who have been involved in this searching in your work.

In the gospel, when the shepherd finds the lost one there is joy. Yet for many at Bali and for many who have served well in this community over the years, the finding can carry a deepening of loss and sorrow.

The shepherd on finding the lost one accepts the burden of restoration. On his back is the burden of all the lost ones, in his heart is the love for the lost ones. Jesus parable remind us, that even as we fail in our attempts, it is God who seeks, finds and carries the lost one home. For God in the mystery of evil and suffering is present in our longing for the lost ones and in our search and recovery, and God is present where others cannot be. This is the deeper truth on which we may remember well when there are so many unanswered questions in our vocation.

And there is for each of us the gentle invitation to join the shepherd’s search - to pray and act in a way that seeks restoration for a hurting world – to be people who help lift the burdens in our day.

So today by our remembering and by our commitments we may re-affirm,

“Goodness is stronger than evil; love is stronger than hate; Light is stronger than darkness; life is stronger than death; victory is ours through him who loved us.”
NEWMAN MEMORIAL WEEKEND

From 23 to 25 October 2009 the NT Police Association (NTPA) President Vince Kelly, NTPA Executive member Kylie Anderson, Sergeant Ben Rossiter (Katherine Police), Brevet Sergeant Macalistair (Macca) McLean (Adelaide River Police), D/Senior Constable 1/C Ian (Junior) Kennon (Special Operations Section), Constable Chris Raeburn (Wadeye Police) and Pilot Mal Walshe (Police Airwing) had the honour of representing the Northern Territory in Newman, Western Australia during the annual commemoration of the most significant loss of police life in modern day policing history in Australasia.

On Australia Day 2001, in response to a call for assistance from Kiwirrkurra Community which is situated in Western Australia, 130kms West of the Northern Territory border (and usually serviced by Kintore Police Station), Newman Police members Senior Constable Philip Ruland, First Class Constable Dave Dewar and Constable Gavin Capes were collected from Newman Airport by a police Cessna 310 aircraft, call sign Polair 64, piloted by Karratha Police Officer and Airwing member Senior Constable Donald Everett.

They attended at Kiwirrkurra and, having dealt with the situation, departed there at 7.30pm intending on returning to Newman. Polair 64 contacted Newman Police Station by radio at 9.15pm and requested that vehicles be sent to collect the Newman officers. At 9.50pm Polair 64 entered the circuit area of the Newman Airport and shortly after, at about 10.00pm, the aircraft crashed. A search was immediately commenced by police and local volunteer emergency services personnel, supported by other agencies and community members, and at 4.30am the following morning the wreckage of Polair 64 was located.

Tragically, all officers on board the aircraft had lost their lives.

During this year’s Remembrance Ceremony NT members laid wreaths on behalf of all NTPA members and the NT Police Executive and members. Over the last five years, in conjunction with the Remembrance Ceremony, the community of Newman has hosted the WA Police Legacy ‘Bloody Slow Cup’ to commemorate the service of the fallen officers, their commitment to safeguarding the peace of the community and ensuring that, though they are gone, they will not be forgotten.

Similar to the Bledisloe Cup, but faster paced and with a much higher skill level on display (according to the Aussie players) this year’s cup was won, for the first time, by Australia.

At a Legacy breakfast held at Newman Police Station the morning after the game Vince Kelly presented a plaque and shirt to the OIC Newman, Senior Sergeant Geoff Stewart, to thank him and his members for their hospitality over the weekend. He made special mention of the fact that the weekend was a reminder of all the good things about policing and the much maligned Police culture - WA and NT officers standing together as a Police family to remember fallen colleagues, catching up with old mates and forming new friendships and celebrating the bond that all Police members share in the knowledge that they do ‘the job’, regardless of the risks, simply because people need their assistance and it’s the right thing to do.

Memorable moments from the weekend were the WA Police Airwing solo flyover of the crash site to end the minute’s silence at the conclusion of the ceremony, the assistance and friendship extended by the Newman, Karratha and South Hedland Police members to the NT contingent throughout the weekend, participation by NT and WA members in the ‘Circle of Death’ on Saturday afternoon, the Aussies winning the ‘Bloody Slow Cup’ for the first time and Macca McLean sharing the stage with WA Police Commissioner Karl O’Callaghan and his band ‘The Filth’ at the post match concert to belt out a tune for his adoring fans.

Given the Northern Territory’s close ties to their Western Australian colleagues through shared, multi-jurisdictional policing functions at Kintore and Warakurna and the recently legislated Cross Border Justice Area members expressed the view that the NT Police should be represented at the Remembrance weekend every year.

The NT contingent would like to acknowledge ex-Commissioner Paul White and Acting Commissioner Bruce Wernham for their support in making Police Airwing available for the weekend.

– Kylie Anderson
The final touch was added to the Casuarina Police Station on October 8, with the unveiling of the brand new six burner BBQ donated by our Association. The NTPA came to the rescue when the new station budget did not extend to this essential item.

President Vince Kelly and members of the executive attended to officially open the BBQ, with Vince even trying his hand at searing some steaks.

The event coincided with the resignation of Senior Constable John Toohey, who leaves us after 6 years to join the Tasmania Police.

The Chief Minister took time out to attend the barbecue and presented John with a farewell plaque on behalf of the Casuarina social club.

Lenny Turner, (Social Club Chief) extols Casuarina members to join the social club.

Many thanks to Vince and Owen and the NT Police Association for taking care of Casuarina Members.

President Vince Kelly Turns his hand to cooking.

John Toohey with CM Paul Henderson at the BBQ Christening.

Tennant Creek Police Members have also been provided a new BBQ by the NTPA and it is a beauty.

Friday morning after a long night shift Patrol group 3 decided it was time to put the machine together. Members Dave Taylor, Chris Ericksen, Nick Barnes, and Pauline Williams ably assisted by Ken Williams duly got into it with tools of trade and started the process.

There were some moments of frustration, especially when it was altogether and the doors at the base would not open because the side panels were on wrong.

Tennant Creek now has this fantastic BBQ and they hope to christen it in the very near future. The Members of Tennant Creek Police Station sincerely thank the NTPA for their kind gesture—it is greatly appreciated by all.

The Police Association has donated a BBQ to Tennant Creek Police Station, but it is yet to be christened.
It was purely a tribal affair to begin with, but it happened too close to the station to be overlooked by the authorities who did not, as a rule, interfere with native quarrels when they were ‘adjusted’ on the tribal stamping grounds.

Tommy was a smart tribesman from the Robinson River and the proud owner of a harem of three young gins. The fly in the ointment appears to be jealousy, for, on Wollogorang Station, where he worked, was an old Queensland native named Fred. Fred had been employed by the owners of the station for nearly 30 years both in Queensland and in the Northern Territory. He was an old favourite of the manager and enjoyed many privileges, including a harem of four young gins.

Fred’s harem were of Tommy’s tribe, and, apart from the fact that the old chap had one more wife than Tommy, there may have been some law of the tribe which had been violated – something the white man did not understand – and the elders of the tribe may have told Tommy to do something about it. There was another and more personal aspect, for, with Fred out of the way, there was nothing to prevent Tommy taking unto himself the bereft harem which would make his position unassailable. He did not anticipate there would be any serious repercussions, and the idea of disposing of the unsuspecting Fred seemed simple enough.

One day Fred and Tommy were sent to cut firewood for the station kitchen. A stock boy named Sandy drove the dray in which the wood was carted to the kitchen. The main stack was only 200 yards from the kitchen and while Sandy was delivering the first load, Fred sat on a log. While waiting for the dray to return, he sent Tommy for a billy can of water from the creek. Tommy brought the water and, while Fred was drinking, went behind him and picked up the axe. He measured the distance to Fred’s neck with his eye, and with practice born of his recent occupation, smote the unlucky Fred’s head from his body with a single swipe.

Tommy put Fred’s blood stained hat in a hollow tree nearby and than carried the headless body to the creek and threw it into the water. He returned for the head which he dumped in beside the submerged body. When Sandy returned with the dray, they carried on with the loading and carting of the wood as if nothing had happened. Sandy probably considered it was no business of his.

Anticipating awkward questions from the manager as to the absence of Fred, Tommy did not report for work the next day but stayed in the black’s camp where he made good use of his time consoling the late Fred’s sorrowing widows. Besides, if his prestige was to be preserved, it was just as well to make sure none of them strayed into anyone else’s fold.

Visiting the creek one day, Tommy discovered that the body had floated to the surface. This was a nuisance as well as a danger,
so he tied it to a log and rolled it into deeper water. Even then the gruesome object refused to stay put, so he at last buried it in the mud.

Having finally, as he thought, disposed of the tiresome body, Tommy thought perhaps a change of scene would be advisable. As the harem had now been consolidated, perhaps a fresh honeymoon with his seven wives away from guilty associations and people who obviously knew to much, would be beneficial at least until the matter was forgotten. So Tommy and his dependants, both old and new, faded into the blue and left no forwarding address.

The eastern boundary of Wollogorang station adjoins the Queensland state boundary and the Head station is only four miles from the border. The nearest Territory police station was at Borroloola on the McArthur River, 220 miles away. The murder took place towards the end of June 1913, but the report did not reach Senior Constable C. A. Dempsey at Borroloola until 20 September. Dempsey promptly dispatched his second-in-command, Mounted Constable H. S. Giles and two trackers to investigate and make necessary arrests.

When Giles arrived at Wollogorang to commence his enquires, Sandy, the driver of the dray had also gone bush and the station blacks had surprisingly had little knowledge of the whereabouts of the bush blacks with whom Tommy might be. There was nothing for it therefore, but to search Tommy’s haunts on the head waters of the Robinson. Mr Aplin, the Manager and part owner of the station, offered to accompany the police party with one of his boys, and the offer was thankfully accepted.

The party travelled for days over rough country and through scrub without seeing signs of natives either from smoke fires or fresh tracks in river beds. They crossed the Calvert and other rivers many miles above the crossings traversed by explorer Leichhardt in 1845, and one afternoon made camp at a picturesque spring of freshly running water. They had seen no tracks and while hobbling their horses, two naked blacks suddenly appeared “from nowhere”. They were travelling and arrived, apparently, from the opposite direction. These two boys agreed to join the expedition and, as Giles said in his report, ‘they piloted us to the roughest sandstone country I had ever been in, up towards the head of the Robinson River. It became so rough that we had to abandon the horses, and proceed on foot, for the river was simply a ravine’. These boys had evidently not been with Tommy’s tribe for sometime, for the first sign of any natives, and where they led me to believe they were, the tracks were about a fortnight old. We had hardly gone half a mile on foot, after leaving the horses, when Mr Aplin, my companion, had the misfortune to sprain his ankle. We and his stock boy returned and stayed with the horses. Giles and his two trackers with their two guides kept on the old tracks, and after about 30 miles, suddenly came upon new tracks, not more than a day old, on the banks of a huge waterhole lined with pandanus palms and paper bark trees. The trees were clustered with screaming flying foxes which had in no doubt attracted the blacks in their search for food.

It was now necessary to proceed with greater caution, so the police party remained in hiding during the day and only followed the tracks in the early morning before the blacks were astir, or in the evenings when they would be back in camp. While cockatoos, attracted, like the flying foxes, by the honey blossoms on the trees, were a source of worry as they were easily disturbed and would fly high with piercing cries of alarm.

Giles’s story continues. However the tracks followed the watercourse and after doing another fifteen miles, one night we heard their dogs barking higher up. They seemed only about half a mile away, in the still night air, but we groped along in the starlight for nearly four miles before we got within sight of the glow of their fires and could hear their yabbering voices. We waited until the first grey of dawn tinged the eastern sky and then crept quietly up until the dogs sniffed us and broke into a pandemonium of barking. We charged straight in to the camp, and were on them so suddenly that they did not seem to realise what had happened until I had secured where the wanted man was. There was no panic among the camp blacks and gins until they saw the handcuffs and chains on Tommy and they bolted in all directions up the ravine and up the rocky sides, anywhere to get out of the
sight. I was a bit afraid they might get ahead of me on my return and ambush me at a narrow gorge, but none of them showed up again.

We were now able to use the shot gun to replenish our larder. I had been living on fish and the bit of flour we had been able to carry was soon used up. Ducks, flying foxes, and kangaroos were plentiful and we soon had a change of diet. It was a relief now the capture was made and we made good time on the return journey once we were on horseback again.

At Wollogorang Tommy showed me where he had hidden Fred's bloodstained hat, and where he had buried the body. He was quite open about it all and re-enacted the murder for my benefit. The bloodstained axe had been found and I took possession of Fred's skull as evidence. Tommy was brought before a justice of the peace at Borroloola and committed for trial. He walked the 466 miles to Pine Creek, where we took the train for Darwin.

Tommy was lodged in Fanny Bay gaol at the beginning of January 1914 and on 13 March he was trialed at the Supreme Court before Judge Bevan and a jury. Being a tribal matter, the case did not attract a great deal of interest, but nevertheless the court sat, with all its traditions of British justice, in full dress of wig and gown to try the charge of murder which had been committed ‘within the jurisdiction of the court’. A barrister acted as crown prosecutor, and Mr R. D. Mallam, another barrister, defended the prisoner, who was not allowed to plead anything, but had a formal plea of ‘not guilty’ entered on his behalf. Tommy, who would cheerfully have made a clean breast of the whole story to the utter rout of all precedent and practice, was a perplexed and bored spectator, while the evidence was gone through for Sandy had been brought in to give evidence, the skull was produced, but its significance cleverly diverted by defending council. The crime, which we do not admit, was committed nearly a year ago, and who is to say the skull produced, is that of missing Fred. The medical evidence was inconclusive, in fact failed to prove whether the skull was of a male or female native. It was a battle between two barristers, and the Crown lost. The jury gave Tommy the benefit of the doubt and found the prisoner not guilty.

Tommy was discharged in Darwin and left to find his own way home. Thoughts of his harem, left unguarded for so long, spurred him on and he soon arrived back at Wollogorang a free man. Sure enough, the ladies had got a bit out of hand, and Tommy was soon busy with stern measures of adjustment. One of his spears aimed in anger at a man on a horse, just missed its mark, and so served as a warning to the culprit, and saved the thrower from perhaps another murder.

Collecting his harem, Tommy went bush again and during his wanderings must have strayed over the border for, before many years went by, he was wanted by the Queensland police, this time for cattle killing. Several attempts were made to arrest the renegade whose trip to Darwin and acquittance by the Supreme Court had emboldened and raised in his mind a contempt for white man's law. A Queensland trooper named Dallas, from Turnoff Lagoon, was the first to make actual contact with Tommy who dragged a nulla-nulla through the grass with his toes when he walked to meet the trooper. Dallas had his revolver in his hand, but Tommy handed himself the nulla-nulla from behind his back and crashed it down on the trooper's arm. The revolver went off, the bullet striking Tommy just under the collar bone and passing through the skin of his back, travelled down under the skin as far as his ribs where it still was when Giles finally arrested him in 1919.

Dallas temporarily paralysed by the blow, dropped the revolver and his helmet, both of which Tommy made off with and escaped. Mounted constable J. T. Turner of the Territory police next went after Tommy from Borroloola. Tommy watched him ride by from a cave where he was hiding while nursing his swollen bullet wound. Then trooper Stevens of the Queensland Police came upon the wanted man but his party was showered with spears, one of which struck a black tracker's cartridge belt, and another knocked the pipe out of the mouth of Mr. Clarke, the Manger of Wollogorang, who was with the police party. They retired without their man. In 1919, Mounded Constable Giles was again stationed at Borroloola, this time under Sergeant R.R. Bridgland. It was decided to form a strong party consisting of Sergeant Bridgland as leader, with Giles and two Queensland troopers. With black trackers and about 60 horses
they patrolled the neighbourhood of the Robinson River for nearly four months without finding the blacks. Including Tommy, the police were after six natives in all for cattle killing. But the party was too big. They had to patrol more or less in the open and the bush blacks kept track of them all the while, remaining hidden themselves without difficulty. The party disbanded and went home.

Sergeant Bridgland was succeeded by James Harcourt Kelly who dispatched Giles out alone to go after the cattle killers. One man by strategy could do what a strong force could not. And so it proved. Constable Harold S. Giles followed doggedly after Tommy until he came up with him and his tribe at the head of the Tearyan River, again in rough, inaccessible ranges and broken country. Giles crept on the silent camp at daybreak covered by his two native trackers but Tommy was not to be caught twice in the same way. He was prepared against surprise by arranging his camp at the rear so that any arresting party would have to come through the main camp first with its inevitable warning. But Tommy did not bolt, he challenged the lone policeman ‘to come and get him’ and what was more, to come unarmed. Blacks, like all nations, respect courage, they also have a superstitious awe for madmen. It is hard to say which category they placed Giles in, when he laid down his rifle, and holding out his bare hands, advanced slowly on Tommy. And then again, it must be remembered that Tommy knew this policeman who had arrested him before and taken him all the way to Darwin. He knew him for a man of his word. Tommy, although a murderer and an outlaw, had courage and knew how to respect in another he also was a man of his word. Giles made him no promises, but simply told him he had to submit to arrest and stand his trial. Tommy was handcuffed and led away before the eyes of the awakened and dumbfounded warriors while the gins did their best to quieten the piccaninnies and stop the barking of the dogs.

The remaining five wanted men were captured by Giles on the heads of the Foelsche and Clyde Rivers in four separate forays. Borroloola was a proclaimed gaol for short sentence prisoners, and as cattle killing charges can be dealt with summarily, Tommy and his fellow prisoners were brought before local justices and each convicted and sentenced to six months imprisonment.

*Mounted Constable Harold Giles was the youngest son of Alfred and Mary Giles of Springvale station Katherine. Later of Bonrook Station Pine Creek. He was born at Katherine on 7 March 1890. Apart from attending St Peter’s College, Adelaide, and the last six years in retirement in Brisbane, he spent most of his life in the Northern Territory.*

He joined the Northern Territory Mounted Police (date unknown) and served in various outback stations including Borroloola and later at Maranboy near Katherine. While at Katherine he met his wife, Sister Doris Dunlop, who was there as an A.I.M Sister at one of Rev. John Flynn’s Mission hospitals.

*After his marriage he was appointed Superintendent of the Aboriginal compound in Darwin. After some three years or more he was offered, and accepted, the management of Elsey Station, made famous by Jeannie Gunn, in her book ‘We of the Never Never’ situated on the Roper River.*

Harold Giles and his family lived on Elsey from 1928 to 1954 when he retired due to ill health. He died in Brisbane six years later from a Cerebral Haemorrhage on 26 June 1960 aged 70 years.

The account of his capture (twice) of Murdering Tommy of Wollogorang was written by his older brother, Lesley Giles, who was Government Secretary in Darwin, from Harold’s notes some time later.

This short account of his life was written by his daughter Margaret Voller who knew her father as a quiet unassuming man and a wonderful father. He was admired and respected by all who knew him.
PETER STYLES RETIREMENT

It was with mixed emotions that I attended the recent ceremony which marked the formal conclusion to my 27 years membership of the NT Police Association.

I am sad to be leaving a service that has been such an integral part of my personal and professional life. However, I have left this service to embark on another journey that will enable me to ensure that Police officers and law and order issues remain high on the agenda of both sides of politics.

I would like to take this opportunity to sincerely thank members in general, the NT Police Association and in particular, former President Gowan Carter for the help given to me at the time of the passing of my wife and their ongoing support during the subsequent years of raising three young children. Your support will never be forgotten.

As I work around the northern suburbs, every day I see incidents that remind me that we in the community need to be forever vigilant.

I have enormous faith and pride in the officers of the Northern Territory Police force and great optimism that the core values of good policing are in good hands – you the members.

As a Member of Parliament, I have made a commitment to ensure that the community understand the pressures and provide support to ensure our Police Force is appropriately resourced so that those who are prepared to put themselves at the forefront of law and order, do so with the best backing that communities and governments can give.

Thank you for the memories, stories and the opportunity to have been part of a great family. I will certainly miss the camaraderie and the job.

LANE CREWS RETIREMENT

Superintendent Lane Crews recently retired after 30 years service in the NT Police. Lane initially joined on the on 13 October 1975, however he resigned for a “sabbatical” on 28 November 1978. Lane rejoined on 22 February 1982. Lane has served in a variety of areas throughout the Police Force including forensic science areas.

At the time of his retirement Lane was part of the management team for Operation Themis. Lane admits that this has been one of his most enjoyable periods of service has been in Themis due to the availability of money and resources from the federal government. Lane believes that the NT Police would be vastly improved if the access to these resources was available to all members.

Lane has served on the executive of the NTPA. At his small (by request) farewell Lane acknowledged the ongoing importance of our Association and the efforts of various officials over his 30 years service in the Police Force to improve members conditions of service and to look after people in trouble.
Lane Crew’s physical prowess is well known to many serving and former police. One incident occurred when I was a training Sergeant in at the old Cavenagh Street Barracks when Lane rejoined in 1982 that reminds me of this.

One of the other Sergeant’s Jock MacPherson, at that time had decided that whilst he had given up the “bulking up” fad the “flexibility fad” was now the go. He also thought he was a champion arm wrestler. He used to give the rest of us poor instructors plenty about our body shapes, telling us that we were mesomorphic or some such other rubbish.

There was no doubting old Jock, he didn’t take on fad’s he embraced them wholeheartedly.

To put it in the vernacular, Jock was giving me the shits.

Some time before he had taken a group of recruits to Daly River, limited them to six cans a night per member (light beer only from memory). I had told him that if he treated them like kids they would probably act like it as well. Jock dismissed my views out of hand.

As it happened during one of the nights whilst they were there the local copper had come over for a few beers and for want of a better expression the shit hit the fan. There was a bit of pushing and shoving a bit of ordering to desist which was ignored and anyway the Department as usual acted like Custer and made a futile charge.

Which again I had told the pseudo Scot would end badly, once again of course he poo poohed what I had to say.

This led to the powers that be trying to make the camps dry, but I disagreed with that stupidity and told the recruits that they could take as much as they wanted, but if there was any playing up, then recruit Crews would be the camp sheriff. There wasn’t a bad word for the whole three days.

On returning to the barracks I recounted this to Jock, who seemed singularly unimpressed and said that I had just been lucky. I pointed out to him that luck came in the shape of Lane Crews and I didn’t ever anticipate any trouble when he was riding shotgun.

Jock as only he could do made some supercilious remark about Lane being unfit; this was evidenced by his appalling running.

Sensing a great opportunity to bring Jock down a peg or two, I said how did Jock think he would go matching it against Crewsy in a test of strength.

Well old Jock took the bait, puffed himself up and stated that it would hardly be a fair contest. Here he was a highly trained athlete with muscle on muscle and Lane was, well Jock didn’t want to be nasty and Lane was obviously past it.

Now Jock was a Kiwi, but he always tried, at least in those days to pass himself off as a Scotsman, he had some of the latter nationalities aversion to parting with a quid, so I knew that a bet for money was out of the question but I knew that if I could rubbish him enough he wouldn’t be able to resist putting me down in front of the recruit squad.

So it was all set and after class Jock entered all oiled up in his instructor’s tee shirt, limbering up, flexing, squatting, slapping his thighs and arms, like a Scotch effected Scotsman doing a poor imitation of a Maori Hakka.

Old Crewsy, just sat there with a bit of a half smile on his dial, and I seem to remember that he was “chawing” on some “baccy”.

Jock and Lane faced each other. Lane barely awake, Jock extolling himself to crush his opponent.

They took the appropriate positions; Jock began to heave and push and went purple. Lane in his laconic Floridadian drawl said “Are you ready Sergeant”. I looked at Jock he had nearly busted his gut and here was this big Yank, just grinning at him. Too breathless to answer Jock nodded in the affirmative. With that Crewsy just pushed Jock’s arm down like it was made out of plasticine.

Whilst Jock was far too tight to have bet anything the look of horror on his face was worth the months pay that I would have put on the result, had I been able to lay it with the pretend Scot.

From that day onward I think that Jock took things that I said to him with at least a little bit of notice.
The Australian Government initiated three reviews which touch on future superannuation and taxation arrangements.

HARMER REVIEW

The Harmer Review’s findings led to the Government, in the March 2009 Budget to increase the rate of the aged pension for singles (and to a lesser degree, couples) and change eligibility for the aged pension from 60 to 67 years phased in over several years.

At the time of those announcements, there was speculation that the superannuation preservation age may also be increased to 67 years to bring it into line with the age pension. The Treasurer very quickly ruled that out.

The Report on the Retirement Income System said that the 9 per cent compulsory employer superannuation contribution was ‘adequate’.

HENRY REVIEW

This is the comprehensive look at the sort of Taxation system Australia needs for the future. This review is precluded from considering the GST – its 10 per cent level or its composition (i.e. not on fresh food).

It is examining a wide variety of matters like personal income tax, company tax, fringe benefits tax (FBT) and tax incentives, concessions and deductions.

It is also considering the level of superannuation contributions i.e. compulsory employer contributions known as the superannuation guarantee (the 9 per cent issue) and voluntary personal contributions and co-contributions with the Government; superannuation preservation ages i.e. when you can access your super and insurance against longevity risk (the risk that your super may run out before you die, leaving you having to go on the age pension).

COOPER REVIEW

The Cooper Review of the Superannuation System is looking at the nuts and bolts of superannuation like the operation of super schemes, governance of funds, fees and commissions of financial advisers and structures like self-managed and defined benefit funds.

It is NOT looking at tax issues, the 9 per cent compulsory superannuation contribution, or the preservation age.

The PFA was advised by the former Minister’s Office that the Panel conducting the Cooper Review WOULD be considering the PFA issue of a 55 year preservation age for police officers. On that basis we made a submission to the ongoing Cooper Review proposing this more flexible preservation age.

The Panel and the new Minister have since advised that this is not the case as this issue is being considered by the Expert Panel in the Henry Review.

SUPERANNUATION MINISTER CHRIS BOWEN ON 9 PER CENT ISSUE

Although the Henry interim report in May declared the current 9 per cent level of compulsory super contribution to be ‘adequate, the new Minister responsible for superannuation, Chris Bowen has recently re-opened this issue.

In an interview in The Australian on 21 August 2009 he said it could be time to debate whether ‘adequate’ was good enough. On 13 October 2009 he called for a national debate on lifting the compulsory employer contribution beyond 9 per cent to boost the pool of national savings, improve the retirement income of average Australians, and reduce the cost of the aged pension to future taxpayers.

As a result, it looks like the Henry Review will reconsider this matter.

THE PFA SUBMISSIONS

In the several submissions we have made in the last 12 months to these reviews we have consistently put recommendations on the issues of:

• 55 year superannuation preservation age for police
• capped FBT concessions for police
• 9 per cent to 15 per cent compulsory employer super contribution.

THE PFA’S RECOMMENDATIONS: OCTOBER 2008 TO HENRY REVIEW

We proposed that reform of the tax system should include a specific tax benefit (comparable to defence and police personnel serving overseas) for individuals who are permanently resident in a remote indigenous community and are providing an essential public service. This would include police officers, nurses and teachers at a minimum.

We proposed an amendment the taxation legislation to
provide police services with the same capped FBT concessions as legislated for ambulance services and public and non-profit hospitals.

We proposed that police services be exempted from the five fringe benefit tax impositions so that they can provide such benefits for police officers and attract, train, retain and deploy more police.

The FBT concessions have recently come under severe criticism because some medical practitioners and nurses have been grossly abusing them at considerable expense. As a result, it is likely that the concessions will be closed off or tightened.

We proposed that police be exempt from the standard superannuation preservation age to enable police to retire from age 55.

DECEMBER 2008 TO HENRY REVIEW

We proposed three changes through the taxation and retirement income inquiries to improve retirement income levels and reduce reliance on the Government’s social security system - an increase in the compulsory Superannuation Guarantee from 9 to 15 per cent, if necessary phased in over several years; improved superannuation co-contribution arrangements by increasing the Government contribution above $1,500 and increasing the income threshold for access to the co-contribution to enable those with inadequate superannuation to accelerate their superannuation savings; and the deletion of the 15 per cent tax on employer contributions and investment earnings to encourage more contributions and improve the adequacy of existing superannuation accounts.

JUNE 2009 TO THE COOPER REVIEW

We again proposed that police be exempt from the standard superannuation preservation age to enable police to retire from age 55.

WHERE WE ARE NOW?

Minister Bowen has confirmed in a letter dated 6 October 2009 that the Government’s commitment to the PFA to have a panel consider the 55 year preservation age for police is being dealt with by the Henry Review which is reporting in December 2009. The PFA made a further submission in October 2009 to Superannuation Minister Chris Bowen and to the Henry Review on the 9 per cent to 15 per cent compulsory employer contribution issue.

VIOLENCE

The PFA has also made submissions to an inquiry into the impact of violence on young Australians being undertaken by the House of Representatives Standing Committee on Family, Community, Housing and youth, canvassing the area of strategies to reduce violence and its impact on young Australians.

The PFA submitted that crime prevention focused on young Australians, including Indigenous young people, is a powerful means of breaking the cycle of youth violence, offending and reoffending.

The Australian Federal Police and State and Territory Police are best placed to lead and partner with local government and local community organisations to drive effective crime prevention in Australia.

This is in contrast to the crime prevention grants program run by the former Australian Government which generally bypassed police forces which were generally not an integral partner in the projects which were funded.

The PFA proposes a new Australian Crime Prevention-Innovative Grants Program based on the successful United States model-the Community Oriented Policing Services-COPS, which commenced under President Bill Clinton in 1994 and is being re-invigorated by President Barak Obama in 2009 as part of the US stimulus program to address the Global Financial Crisis.

In the COPS literature on Problem Solving Partnerships, Chief Darrel Stephens of the Charlotte – Mecklenburg Police Department said, “Problem – solving without partnerships risks overlooking the most pressing community concerns. Thus, the partnership between police and the communities they service is essential for implementing a successful program in community policing”.

The PFA believes that the same applies in the Australian context. Federal funding to undertake crime prevention programs through local initiatives will have a significant impact. Local police know the needs of their particular community, but often have difficulty in undertaking programs in their communities through lack of funds. Creative and innovative projects, would be an excellent use of federal government funding and a significant way of reducing the impact of violence on young Australians.

The Police Federation proposes that Australia formulate a national policy on supplementing and assisting local policing initiatives with federal government funding using the US COPS program as the example and operational model.

We believe that the Australian Government needs a holistic view of policing across this country to ensure the security of our nation and its communities. One key means of achieving this is through the development of a federally funded innovative grants program for local community policing initiatives.

The NT Police News will keep you updated on all these PFA submissions.
A R O U N D  T H E  N A T I O N

N E W S  F R O M  P O L I C E  A C R O S S  A U S T R A L I A

All major outstanding issues regarding the new National Police Service Medal (NPSM), with the exception of one, have been resolved. The key matter outstanding however is one that will impact on some 20,000 members nationally and that is how will the transition from the National Medal to the National Police Service medal be undertaken.

The medal, ribbon, clasp & rosette designs have all been agreed upon & will be published in due course. The ‘order of wear’ of the medal has also been resolved to the satisfaction of the PFA following some lengthy debate with representatives of the Department of Prime Minister & Cabinet (PM&C). The new NPSM will take precedence in the order of wear over the current National Medal.

The NPSM will be awarded to all sworn members of Australia’s federal, state or territory police agencies upon completion of 15 years ethical and diligent service; clasps awarded upon completion of a further 10 years ethical and diligent service; awarded without prejudice to a previous award of the National Medal; and members who do not fulfill 15 years should be able to have that time added to any other eligible service to the award of the National Medal.

For the full submission to Government go to www.pfa.org.au News section

SOUTH AUSTRALIA

Adelaide’s major daily newspaper, The Advertiser, reported on the confinement of a woman in a padded City Watch House cell in August. The story brought a frenzied round of commentary from civil libertarians, politicians, and media identities.

The Police Association and its members were extremely disappointed in many of the remarks, some of which drew parallels between SAPOL cell complexes and the war-zone abuse of women. The association described that commentary as plain offensive to hard-working police officers.

SAPOL has for decades used padded cells, but always under strict, appropriate protocols.

Those with no experience in the field of prisoner care need to understand that clothed prisoners in padded cells might attempt – and have indeed attempted – to use their clothing, or bandages, to injure themselves. Many police officers can attest to cases in which prisoners have wrapped garments around their necks in attempts to hang or strangle themselves.

Already, the introduction of modesty gowns – since The Advertiser report has proved problematic. Just last month, police arrested a man with a history of self-harm. Officers confined him in a conventional cell and kept him under close observation.

But he removed his t-shirt and placed it around his neck. Officers rightly took him from the cell, removed his clothing and supplied him with a modesty gown. He went on to place the gown around his neck before it, too, had to be removed for his own safety.

Much of the commentary on this issue has been ill considered and, therefore, an impediment to rational discussion.

It is important that, with their comments, prominent community leaders take extreme care not to undermine public confidence in the police – particularly when allegations remain untested.

VICTORIA

The Police Association (Victoria) is calling for mandatory sentencing for the perpetrators of violence against police.

The recent savage bashing of a police sergeant in the Melbourne CBD focused further attention on the drunken and violent lawlessness that has become the unfortunate norm in the hours of darkness in Victoria.

Some are opposed to the idea of a person who bashes a police officer being sentenced to a term of imprisonment, but Victoria’s driving legislation has had minimum sentences for years, because deaths and injuries on our roads had reached alarming levels.

Association Secretary Greg Davies says mandatory sentencing is not new. “It is not radical or Stalinist or unfair, nor does it undermine the discretion of the judiciary any more than restricting the upper limits of sentencing available to the courts, as is the case now.

“Yes – police ARE trained to deal with violent offenders and with drug or alcohol affected persons – but they are neither Superman nor Wonder Women – they are ordinary people doing an extraordinary job. Police represent the community; they are the community’s police and they are there to protect law abiding citizens and to apprehend those who break the law. An attack on a police officer is an attack on the community itself.”

NEW SOUTH WALES

NSW Police have been offered a 4 per cent pay increase for two years, just days before a mass protest was to be held outside the NSW Parliament, coinciding with the first day of sitting after the winter recess.

“It’s come at the eleventh hour, but the state government has finally presented us with an offer we believe merits the consideration of the state’s police,” NSW Police Association president Bob Pritchard said.

“It is an offer which we believe delivers a fair pay increase while maintaining vital conditions such as protection for injured officers.”

The deal, to which the union’s executive agreed, was contingent on the mass rally being called off.

For the past several months the association and NSW government have been locked in a protracted
battle after NSW police rejected a 2.5 per cent wage rise. At the time the government proposed to increase the offer to 4 per cent by stripping away protections for injured police and significantly reducing allowances.

These trade-offs were resounding condemned by NSW police officers. A major political and industrial campaign was then launched to generate public awareness. NSW Police conducted two separate fine-free periods in July and August costing the government badly needed revenue. They actively lobbied politicians in electoral officers, demanding a fair go. On 22 July 20-30 police walked in to the NSW Premier, Nathan Rees’ Seven Hills office delivering letters from members in his electorate. Judging by the tremendous response via the Keep our Cops campaign website, the public was solidly behind members of the force.

The NSW government’s current offer was achieved with the assistance of the President of the Industrial Relations Commission, the Hon Justice Boland, who recommends its acceptance.

The two-year deal will give NSW’s 15,700 officers a four per cent increase over both the 2010 and 2011 financial years. It includes improvements to various working conditions. Importantly, the government has agreed to maintain the current entitlements within the death and disablement scheme until at least June 2011.

NSW Police Commissioner Andrew Scipione said it was a fair deal for police officers and an affordable outcome for NSW taxpayers.

TASMANIA

On 11 March 2009 the Police Association Tasmania received notice from the Acting Commissioner that the DPEM (Department of Police & Emergency Management) would stop deducting 7.6 hours for each day of recreational leave taken and start deducting the actual hours the member would have been at work, normally 8 and 10 hour shifts.

This was notified to commence on Monday 23 March 2009.

The PAT opposed this and lodged a dispute notice with the Industrial Commission and the matter was subsequently heard and a decision issued on 14 July 2009.

The Industrial Commission found that the existing practice was based on an agreement that has been in place since 1995. It commented that the attempt by DPEM to change the longstanding practice without a “modicum of consultation” was disappointing considering the Industrial Commission’s observations in another recent dispute hearing involving the PAT and DPEM where it also failed to consult members.

The Industrial Commission determined that the DPEM could withdraw from the agreement on the giving of appropriate notice and legally adopt the position it wanted. It also concluded that given the longstanding nature of the practice and its material benefit there should be an extended period of notice and the change should not occur before 1 January 2010.

While the DPEM will achieve its desired outcome the Industrial Commission has recognised that there was a longstanding practice that was reasonably established and has provided that extended notice is a prerequisite for the change to occur.

EB 2010

The current wages agreement expires on 30/6/10. Plans are afoot to conduct focus groups with the membership on what they want to see achieved and what their expectations are for the forthcoming EBAs. The focus groups will be conducted by consultants who will report on the findings at the Association conference to be held in January 2010. Conference outcomes will provide the framework for the PAT claim.

WESTERN AUSTRALIA

Changes are needed to the way in which the Police Commissioner uses Section 8 (loss of confidence) to remove officers, the Police Union has told the WA Government in a submission to an Industrial Relations Act review.

Union President Russell Armstrong said arrangements to remove a member and appeals to the WA Industrial Relations Commission (WAIRC) against the removal were unfair, unpredictable, divisive, arguably inequitable and unnecessarily wordy.

“Current arrangements have led to inordinately long delays, sometimes more than two years,” Mr Armstrong said.

“This has resulted in the inhuman treatment of officers concerned. The Commissioner has also expressed frustration with the effect on morale, good order and discipline.

“Also, the officer bears the onus of proving that a decision to take removal action was harsh, oppressive or unfair, a reversal of the onus of proof which elsewhere is the employer’s.

“While the WAIRC can review the Commissioner’s decision, it says its role is not to take over Police management by substituting its decision for the Commissioner’s. It has ruled that the question is whether the removal was open to a fair-minded person charged with the Commissioner’s statutory responsibilities.

“Present section 8 provisions should only be used for cases of such seriousness where the Commissioner has lost his confidence on the basis of proven or overwhelming corrupt behaviour and the officer has exhausted criminal appeal avenues to contest their conviction.

“Presently, a plethora of matters - alleged impropriety, criminal conduct, immoral behaviour and misconduct - are ‘bundled’ together under ‘loss of confidence’ provisions.

“The dilemma under the Industrial Relations Act is that police are deemed to be employees but do not have the protections and rights this Act affords other Government officers.

Mr Armstrong said essential amendments were necessary to produce greater transparency, fairness and equity for officers facing Section 8 removal.
The View from Across the Tasman

New Zealand Journalist Karl Du Fresne spoke at this year’s NZ Police Association Annual Conference Dinner. Parts of his speech have many messages which will resonate with Territory police.

Last week I listened to a Federated Farmers spokesman from southern Hawke’s Bay complaining bitterly about police conduct during the hunt for an armed gunman. He was angry and frustrated because he couldn’t get a decision on whether dairy farmers could be allowed to go onto their farms accompanied by police escorts and attend to their distressed cows; and when he did finally get a decision there seemed to be a communication breakdown and the constables on the cordon still wouldn’t let him through.

I could sympathise with him, but then I thought about the difficulty for the police in having to make operational decisions in a complex situation like that. There was a potentially dangerous armed man on the loose in a rural area with lots of cover and police didn’t know where he was.

I drove through the area while the cordon was in place, and with all the low cloud and mist hanging over the hills, it struck me as having eerie similarities to the hunt for Stanley Graham on the West Coast in 1941 when three police were shot dead by a farmer.

Now let’s jump forward to this week, and the hunt for Aisling Symes, the toddler who disappeared in Auckland. Initially it was feared she had been abducted. Her body was discovered in a drain on 13 October near where she went missing. All indications are that the toddler accidentally drowned.

It was entirely predictable that the New Zealand Herald ran a story quoting neighbours saying they couldn’t understand how the police could not have found her body when it was right under their noses. TV3’s coverage of the story last night was appalling. Once again the focus was on the supposed police failure. The tone was nitpicking and nauseatingly self-righteous. At times like this I cringe with shame at the behaviour of my fellow journalists, and I recall the famous condemnation of the British press by Prime Minister Stanley Baldwin: “Power without responsibility – the prerogative of the harlot through the ages”.

This morning I pick up my Dominion Post and the front page story focused again on the finding of Aisling’s body but this time the critical scrutiny was not on the police but on the Waitakere City Council. The story revealed that there had been complaints to the council about the manhole cover on the drain where Aisling drowned, but nothing had been done to fix the problem. There was a suggestion that the council might be prosecuted for negligence.

This highlights one of the more interesting sociological phenomena of our time.

When something goes wrong, when anything tragic happens, we demand retribution. We assume someone must be to blame. Public outrage is the defining sentiment of our time. We seem incapable of accepting, that terrible things happen through accident or unfortunate circumstances and in many cases there’s not much that could have been done to avoid them.

In the case of Aisling Symes it appears to have been a hideous combination of circumstances: a parent’s momentary inattention, an active and inquisitive child, a manhole cover that had evidently popped out – as often happens – because of pressure in the drain created by heavy rain.

Toddlers drown too often, as police officers know. But it seems we are no longer able, as a society, to accept that terrible things sometimes just happen. We demand someone’s scalp. It’s the blame game, and it’s become a national sport.

In this case the police may escape being the chief scapegoat, because it appears that primary blame is falling on the Waitakere City Council. So we can expect the usual spectacle of official inquiries, followed by ritual breast-beating and mea culpas. We insist on it.

Let me predict that the council will review its processes and issue a solemn assurance that procedures have been tightened to ensure no toddler falls down a manhole again. Committees will be formed and checklists will be drawn up. But the checklist hasn’t been invented that can neutralise every risk and anticipate every human failing, and it’s idle – in fact dishonest – to pretend that it’s possible. There are tens of thousands of manhole covers in New Zealand and my guess is that any one of them could pop out in certain circumstances. Are we going to replace all of them because of one tragic death?

We’re caught up in a quixotic quest for the perfect society in which all hazards are eliminated. This coincides with a widespread conviction, encouraged by decades...
of mollycoddling nanny state government, that no one should be held responsible for their own actions.

Burgeoning bureaucracies such as OSH are devoted to making us all safe. But you can't legislate for all human imperfection and there's only so far you can go to protect people against themselves. We end up chasing our tales.

I have learned two important lessons in 40 years as a journalist - that there are two sides to every story, and that things are often not what they seem at first glance. A bit of professional scepticism doesn't go amiss when confronted with stories from people claiming they've been hard done by. As my late colleague Frank Haden used to say, journalists should doubt everything with gusto.

There's a newspaper story about the Independent Police Complaints Authority report on car chases. We learn that the police have accepted the authority's recommendations about how car chases should be conducted in future, so as to minimise the risk of more deaths.

Two things intrigue me about this. The first is that it now seems to be the official position that if someone is killed while trying to escape from the police, it's the police's fault. This strikes me as being arse about face, if you'll pardon the expression. Again, it's all to do with people not being held responsible for their own actions. If young men risk being killed while trying to escape the police, the solution seems pretty obvious: they should stop when requested. It's that simple.

The second point is that if police abandon chases for fear of causing accidents, there's an obvious risk that lawbreakers will simply put their foot down with impunity every time a police car tries to pull them over.

I realise there's a very difficult balancing act here, but we run the risk that police officers will be emasculated by an overly risk-averse approach. It seems to me that the dice are loaded in favour of the lawbreakers if the pursuing police officer has to pull over and run through a 20-point checklist before deciding whether to continue the chase.

I read a story about an Auckland family that has criticised the police for not doing more to locate a missing family member. Their concerns may or may not be justified; I don't know, but once again it highlights our propensity as a society to feel aggrieved.

We live in a highly fractious society in which people seem programmed to take offence and find fault with everyone and everything. The police, because they're at the sharp end of so many of society's problems, are a natural lightning rod for criticism.

In this querulous culture, everyone's a victim – even the bad guys. If the police obtain a conviction, it's now almost a reflex action for someone to insist that they got the wrong guy. And even if it's generally accepted that they've got the right guy, and he's duly dealt with by the courts, it's then the judiciary's turn to get it in the neck from a strident lobby group that complains the sentence wasn't severe enough. That, in turn, invariably sets off yet another lobby group – the one that says criminals aren't to blame for their own bad behaviour and we're being beastly and inhuman by putting them in jail.

It's become almost an automatic ritual, after every sentencing for a violent offence, for the victims or their surviving relatives to front up to the TV cameras with their arms around each other outside court and tearfully protest that justice hasn't been done. It's all part of what the English writer Theodore Dalrymple describes as emotional incontinence – the bizarre compulsion to indulge in maudlin public displays of sentiment. The cards and teddy bears and bunches of flowers that magically appear wherever someone has been killed are a manifestation of the same phenomenon.

In saying all this I might give the impression that I'm a cheerleader for the police. I'm not. I am pro-police, but I've been critical of police conduct on many occasions – call it bayoneting the wounded if you like – and there are one or two areas where I have marked differences of opinion with the Police Association.

Neither would I argue for a moment that the police should be exempted from public scrutiny and criticism. The important thing is that criticism should be fair and reasonable.
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IS NOW THE RIGHT TIME TO GET BACK INTO THE AUSTRALIAN SHARE MARKET?

Australia’s economic fundamentals look quite strong, relative to most OECD (Organisation for Economic Co-operation and Development) countries, and our increasing links with Asia bodes well for the future.

Australia’s weakness is the high leverage of the economy to the housing sector but a rising population and strong banking system mitigate these concerns. Australia should continue to outperform most OECD economies implying the AUD will continue to strengthen.

The All Ordinaries Index is expected to correct in the December quarter but then continue its march to 5,000. The major risk remains the US lead and a “W” shaped US economic recovery. Given the poor fundamentals of the US economy relative to the Australian economy one would expect the Australian market to disconnect from the US lead, in the long term. It may be some time off, but it seems our future is increasingly tied to Asia.

Australia’s strong fundamentals relative to most OECD countries include:

- The financial system is stable and functioning normally
- The economy is growing
- The Government is in a relatively strong fiscal position
- The unemployment rate remains relatively low at 5.7%
- House prices have proven fairly resilient to date, and
- Asia, Australia’s major export partner, is still growing

With consumer and business confidence rising, consumption and investment should rebound over 2010. Finance is generally available but some sectors, like commercial property development, still have restricted access. The housing sector could also add to growth, given that housing starts of around 130,000 per annum are well below estimated demand of 180,000 per annum. Rising house prices and relatively cheap finance are expected to provide the incentive for new housing construction, over the short to medium term.

Overall, the economy should continue to recover over 2010 and 2011. The RBA will increase rates but will be mindful of AUD strength. China and broader Asia will become increasingly important to the Australian economy, in terms of trade and capital flows. The International Monetary Fund expects the Australian economy to grow 0.7% over 2009 and 2.0% over 2010.

Reference – Lonsec Limited outlook December quarter 2009

This advice may not be suitable to you because it contains general advice that has not been tailored to your personal circumstances. Please seek personal financial advice prior to acting on this information.

The material contained in this document is based on information received in good faith from sources within the market, and on our understanding of legislation and Government press releases at the date of publication, which are believed to be reliable and accurate.

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It didn’t matter if they were family, friend, neighbour or total stranger. People worked together for the betterment of others.

Thirty five years ago this Christmas, “Tracy” visited Darwin. It was a terrifying experience for many of her residents on that Christmas Eve.

I was able to spend 10 days working with others giving support, encouragement and practical assistance following the tragedy. What I noticed most was the “no strings” attached support. It didn’t matter if they were family, friend, neighbour or total stranger. People worked together for the betterment of others.

I am reminded of the Biblical story of Cain and Abel recorded in Genesis 4.

Cain killed his brother Abel because he was jealous and God asked, “Where is your brother?”

Cain replied, “Am I my brother’s keeper?”

So often we come along side others only at Christmas time or on some special event and forget them the rest of the year. As human beings supporting others often in the small matters of life would make our world a better place. What a difference it would make if this good will to others extended year long. It can only happen if it starts with me.

At this Christmas time as we celebrate in different ways with family and friends, may that good will extent to those we do not know throughout the year.

So as we rush headlong towards Christmas may the true meaning of Christmas be yours. I trust that you and your families will have a happy and safe Christmas with the knowledge that God’s gift of Jesus Christ will be your guide throughout the coming year.

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- Chambray shirts - Men’s and Ladies
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Get in early for Christmas

Check out our website www.ntpa.com.au or call into our office at 5 Foelsche Street Darwin
# Promotions/Confirmations

<table>
<thead>
<tr>
<th>Name</th>
<th>From</th>
<th>To</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trent Abbott</td>
<td>Senior Constable</td>
<td>Senior Constable First Class</td>
<td>31-Jul-09</td>
</tr>
<tr>
<td>Matthew Allen</td>
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<td>Deborah Horrocks</td>
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<td>Richard Lyons</td>
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<td>Tanya Mace</td>
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<td>Wade Marshall</td>
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<td>Christopher McKellar</td>
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<td>Michael Valladares</td>
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<td>Ivan Petrovic</td>
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<td>Nicholas George</td>
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<td>Jason Archer</td>
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<td>Darren Kirk</td>
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<td>Ronald Guacone</td>
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<td>Adam Swift</td>
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<td>Corey Burton</td>
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<td>Tania Hogan</td>
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<td>Justene Dwyer</td>
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<td>Alexander Brennan</td>
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<td>Trent Abbott</td>
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<td>31-Jul-09</td>
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# Provisional Promotions

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<tr>
<td>Trent Abbott</td>
<td>Senior Constable</td>
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# Appointments Constables

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<tr>
<td>Adam Donaldson</td>
<td>25-Aug-09</td>
<td>Constable</td>
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# Confirmation of Appointments

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<td>Simon Hibben</td>
<td>13-Aug-09</td>
<td>Constable</td>
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<tr>
<td>Shane Stone</td>
<td>2-Jul-09</td>
<td>Auxiliary</td>
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# Transfers

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<tr>
<td>Jamie Chalker</td>
<td>Superintendent Territory</td>
<td>Duty Officers</td>
<td>17-Sep-09</td>
</tr>
<tr>
<td>Kerry James</td>
<td>Senior Sergeant Policy &amp; Training</td>
<td>Senior Project</td>
<td>17-Sep-09</td>
</tr>
<tr>
<td>Richard Howie</td>
<td>Sergeant Crime Prevention Section</td>
<td>Officer Road Safety</td>
<td>17-Sep-09</td>
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<tr>
<td>Cameron Brooker</td>
<td>Constable General Duties</td>
<td>Constable Crime Prevention</td>
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<tr>
<td>Lianne Hawke</td>
<td>Constable General Duties</td>
<td>Fingerprint Road Safety</td>
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<tr>
<td>Alexander McDonald</td>
<td>Constable Tennant Creek Police Station</td>
<td>Constable Crime Prevention</td>
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<td>Joshua McDonald</td>
<td>Constable Katherine Police Station</td>
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<tr>
<td>Jason Malther</td>
<td>Constable Alice Springs Police Station</td>
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<td>Emily Power</td>
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<td>Justin Scott</td>
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<td>Robert Joran</td>
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<td>ACPO Katherine Police Station</td>
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<tr>
<td>Michael White</td>
<td>Superintendent Command Support Div</td>
<td>Superintendent Youth Services Co-ordinator</td>
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<tr>
<td>Mark Fleming</td>
<td>Constable Harts Range Police Station</td>
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<td>Ross Petlick</td>
<td>Constable Airport Uniform Policing</td>
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<td>Michael Cussens</td>
<td>ACPO Indigenous Policing Development</td>
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<td>Malcolm Stewart</td>
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<td>Virginia Read</td>
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<td>Kieren Wells</td>
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<td>Raymond Outtie</td>
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<tr>
<td>Paulo Fernandes</td>
<td>Constable Field Intelligence Officers Unit</td>
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