



AFP
AUSTRALIAN FEDERAL POLICE

PURCHASE AGREEMENT

BETWEEN THE

ACT MINISTER
FOR POLICE AND EMERGENCY SERVICES,

COMMISSIONER OF THE
AUSTRALIAN FEDERAL POLICE

AND THE

CHIEF POLICE OFFICER FOR THE ACT

**FOR THE PROVISION OF
POLICING SERVICES TO THE ACT**

2008 - 2009

**2008-2009 PURCHASE AGREEMENT BETWEEN
THE ACT MINISTER FOR POLICE AND EMERGENCY SERVICES,
THE COMMISSIONER, AUSTRALIAN FEDERAL POLICE,
AND THE CHIEF POLICE OFFICER FOR THE ACT
FOR THE PROVISION OF POLICING SERVICES TO
THE AUSTRALIAN CAPITAL TERRITORY**

Purpose

1. In accordance with the *Australian Federal Police Act 1979* (the Act), the Australian Federal Police (AFP) provides community policing services to the Australian Capital Territory (ACT). The Act also allows for the Commonwealth and ACT Governments to enter an arrangement for the provision of those policing services.
2. On 14 June 2006, the Commonwealth Minister for Justice and Customs and the ACT Minister for Police and Emergency Services entered an arrangement which established the enabling framework for the provision by the AFP of policing services to the ACT. The Arrangement for the Provision of Police Services to the ACT (the Arrangement) requires the ACT Minister for Police and Emergency Services (the ACT Minister), the Commissioner and the Chief Police Officer to enter a Purchase Agreement (the Agreement) for those services. The Agreement is required to set out the details of the goods and services to be purchased by the ACT from the AFP, the agreed price for those services and AFP reporting on performance.
3. This Agreement will be read in conjunction with the Arrangement of 14 June 2006.

Parties

4. This Agreement is between the ACT Minister, the Commissioner of the AFP and the Chief Police Officer for the ACT.

Definitions

5. Unless stated otherwise, definitions in the Agreement are the same as in the Arrangement.

Scope

6. The output classes covered by this Agreement include all the goods and services to be purchased by the ACT from the AFP through the direct police budget appropriation. This Agreement does not cover activities funded by revenue outside the direct police appropriation.
7. The ACT's purchaser interests covered by this Agreement include:
 - (a) the policing outcome and all associated outputs to be provided, listing final goods and services;
 - (b) performance measures for the outputs, together with targets where appropriate; and
 - (c) financial and resource reporting.
8. Agreed variations to this Agreement shall be supported by correspondence which will be appended to the Agreement.
9. The policing outcome and associated outputs to be provided, performance measures and definitions are contained within Schedule 1 to this Agreement.

Billing and Payment Arrangement

10. The AFP will follow the general principles of Commonwealth Cost Recovery Guidelines where appropriate in the provision of policing services to the ACT Government.¹

11. Payments to the AFP will be on a pro-rata monthly basis in accordance with the *2008-09 Appropriation Payment Schedule for ACT Policing*, except for the one-off Repairs and Maintenance funding which will be paid following request from the AFP with supporting documentation for reimbursement of expenditure for these works.

Powers and Obligations

12. In accordance with the Arrangement, the Chief Police Officer for the ACT, subject to the authority of the Commissioner of the AFP, will be responsible to the ACT Minister for the achievement of the policing outcome and delivery of outputs set out in the Purchase Agreement and the general management and control of AFP personnel and resources deployed for the purposes of the Arrangement.

13. Short-term variations to targets and priorities set by this Agreement may be determined by the Minister, including at the request of the Chief Police Officer, following consultation and with reasonable notice.

14. Such variations will be appended to this Agreement and should be within budget limits unless otherwise agreed.

15. The Chief Police Officer will provide services in support of ACT ministerial information requirements which are compliant with ACT Government standards.

Duration of Agreement

16. The Agreement shall apply for the period 1 July 2008 to 30 June 2009 in accordance with clause 14.1 of the Arrangement.

Reporting

17. The Chief Police Officer shall report to the ACT Minister within one (1) calendar month at the end of each quarter, unless otherwise agreed by parties, on those matters prescribed in Schedules 1, 2 and 3 in this Agreement. The reports will be provided in a format agreed by the parties, covering performance, finance and resources.

18. The AFP will assess the results of the survey of crime victims in the ACT once completed, for possible inclusion as one benchmark for establishing performance measures that relate to responding to victims of crime. A performance measure may be documented in Agreements from July 2009 onwards.

Dispute Resolution

19. The mechanism for resolving disputes arising from this Agreement will be as follows:

- (a) in the first instance the Territory and AFP contact officers listed will use their best endeavours to settle the dispute; and
- (b) if after 30 days the dispute is unresolved or the Contact Officers lack the authority to do so, the matter will be referred to the officers listed as the Responsible Officers.

¹ *Australian Government Cost Recovery Guidelines*, Department of Finance and Administration Circular 2005/09

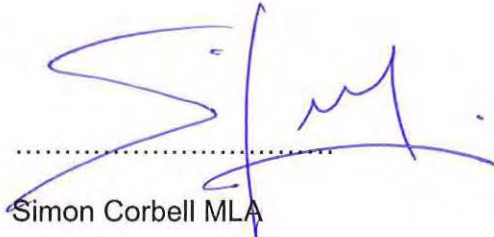
20. For the purposes of this Agreement the Contact Officers will be:
- (a) for the AFP, Director, Corporate Services on advice from the AFP, Chief Operating Officer; and
 - (b) for the Territory, Director, Justice, Planning and Programs, Policy and Regulatory Division, Department of Justice and Community Safety.
21. For the purposes of the Agreement the Responsible Officers will be:
- (a) for the AFP, Chief Police Officer in consultation with the AFP, Chief Operating Officer; and
 - (b) for the Territory, Chief Executive Officer, Department of Justice and Community Safety.
22. Any dispute or matter of concern to either party arising from this Arrangement that cannot be resolved by the officers nominated at clause 20 or 21 shall be referred for consultation between resolution by the Commonwealth Minister and the Police Minister.

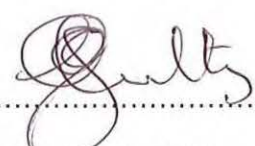
Annual Report

23. The Chief Police Officer shall also report annually to the ACT Minister, at a time nominated by the ACT Minister, on the provision of police services pursuant to the Purchase Agreement.

Community Engagement

24. ACT Policing will, during 2008—2009, develop an enhanced internet presence to facilitate on-line reporting and increased information connectivity between police and the community.


.....
Simon Corbell MLA
Minister for Police and
Emergency Services


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Mick Keelty APM
Commissioner
Australian Federal Police

(date) 28 8 08

(date) 28 08 08


.....
Michael Phelan APM
Chief Police Officer
for the ACT

(date) 28 8 08

Schedule 1 – Performance Reporting

Outcome

In partnership with the community, create a safer and more secure Australian Capital Territory through the provision of quality police services.

This will be achieved through four main areas of activity: Crime and Safety Management; Traffic Law Enforcement and Road Safety; Prosecution and Judicial Support; and Crime Prevention.

Outputs

Crime and Safety Management	
<ul style="list-style-type: none"> Incident Response and Policing Support for the Community Crime Detection and Investigation <p>ACT Policing will provide a safer and more secure Australian Capital Territory so that members of the community can go about their daily lives without undue fear of crime.</p> <p>This will be achieved by:</p> <ul style="list-style-type: none"> (i) providing efficient and effective police response to calls for assistance received from members of the community; (ii) conducting investigations to detect offenders and bring them to justice; and (iii) maintaining a proactive presence in the community, driven by the analysis of police intelligence data. 	
Output Price:	\$104,433,000
Traffic Law Enforcement and Road Safety	
<p>ACT Policing will enforce traffic laws and promote safer behaviour on ACT roads with the objectives of reducing the number of crash fatalities and injuries to members of the community.</p>	
Output Price:	\$8,838,000
Prosecution & Judicial Support	
<p>ACT Policing will maximise the number of successful prosecutions in Court by providing support to the Director of Public Prosecutions and the Courts.</p>	
Output Price:	\$7,342,000
Crime Prevention	
<p>ACT Policing will seek to reduce and prevent crime through strategies that incorporate government and community cooperation to address risk factors associated with criminal behaviour and recidivism and raise awareness of the community's role in their own safety and security.</p>	
Output Price:	\$3,254,000
Total Price² =	\$123,867,000

The above four main outputs will be achieved through the provision of police resources – including personnel, as defined and explained in Schedule 2 of this Agreement.

² Includes one-off additional Repairs and Maintenance funding.

The attribution of prices to outputs is indicative of resource prioritisation by outputs and may vary throughout the year according to the operational assessment of the Chief Police Officer. Changes to the total price must be agreed by both parties.

Performance Measures

Measures	Target
Level of Crime	
1. Number of offences against the person reported or becoming known per 100,000 population. ^a	810 or less ^b
2. Number of offences against property reported or becoming known per 100,000 population. ^a	8600 or less ^b
3. Percentage of offences against the person cleared.	55% or more
4. Percentage of offences against property cleared.	10% or more
Perceptions of Crime	
5. Percentage of persons who are concerned about becoming a victim of physical assault in a public place – excluding sexual assault in the next 12 months. ^{c,d}	National Average or less
6. Percentage of persons who are concerned about becoming a victim of sexual assault in the next 12 months. ^{c,d}	National Average or less
7. Percentage of persons who are concerned about becoming a victim of housebreaking in the next 12 months. ^{c,d}	National Average or less
8. Percentage of persons who are concerned about becoming a victim of motor vehicle theft in the next 12 months. ^{c,d}	National Average or less
9. Percentage of persons who feel safe at home alone during the day. ^{c,d}	National Average or more
10. Percentage of persons who feel safe at home alone during the night. ^{c,d}	National Average or more
Police Responsiveness	
11. Response times for Priority One Incidents: <ul style="list-style-type: none"> Within 8 minutes; Within 12 minutes. 	60% or more 90% or more
12. Response times for Priority Two Incidents: <ul style="list-style-type: none"> Within 20 minutes; Within 30 minutes. 	60% or more 95% or more
13. Response times for Priority Three Incidents: <ul style="list-style-type: none"> Within 2 hours; Within 3 hours. 	60% or more 95% or more

Measures	Target
14. Response times for Priority Four Incidents: <ul style="list-style-type: none"> Within 24 hours. 	95% or more
15. Percentage of 000 calls answered on first or second presentation: <ul style="list-style-type: none"> On first presentation; On second presentation. 	90% or more 98% or more
Public Confidence in Police	
16. Percentage of persons satisfied with most recent contact with police services. ^{c,d}	National Average or more
17. Percentage of persons who agree that police perform their job professionally. ^{c,d}	National Average or more
18. Percentage of persons who agree that police treat people fairly and equally. ^{c,d}	National Average or more
19. Number of established complaint issues against police. ^e	60 or below
20. Number of established complaint issues relating to persons in custody. ^e	25 or below
Road Safety	
21. Number of road crashes resulting in death per 100,000 population. ^a	5.1 or less ^b
22. Number of road crashes resulting in injury per 100,000 population. ^a	210 or less ^b
23. Percentage of persons who self-report to driving 10km per hour or more over the speed limit. ^{c,d}	National Average or less
24. Percentage of persons who self-report to driving while not wearing a seatbelt. ^{c,d}	National Average or less
25. Percentage of persons who self-report to driving while suspecting they are over the prescribed alcohol limit. ^{c,d,f}	National Average or less
26. Percentage of persons who self-report to driving when using a mobile phone. ^{c,d}	National Average or less

Supporting the Judicial Process	
27. Percentage of briefs delivered to the DPP within the designated timeframe. ⁹	75% or more
28. Percentage of cases finalised by offence proved in court. ^{h,i}	80% or more ^b
29. Percentage of cases finalised by a not-guilty verdict or otherwise withdrawn. ^{h,j}	18% or less
30. Percentage of cases otherwise resolved. ^{h,k,l}	5% or less
Crime Prevention	
31. Percentage of persons who perceive the following quality of life issues to be a problem in their neighbourhood ^{c,d} : <ul style="list-style-type: none"> • speeding cars, dangerous or noisy driving • graffiti/vandalism • louts/gangs • drunken/disorderly behaviour 	National Average or less National Average or less National Average or less National Average or less
32. Number of juveniles: <ul style="list-style-type: none"> • referred to diversionary programs^m • completing diversionary programs^a 	Benchmark year ^m 80 or more ^b
33. Number of persons referred to community support agencies.	3700 or more ^b
34. Number of referrals to drug diversion programs (drug demand reduction effort).	50 or more ^b

Notes – Schedule 1

- a. *These measures encompass the jurisdiction of a great many public and private institutions and individuals who contribute to the overall results and standings. Success in these targets is not the sole domain or responsibility of ACT Policing.*
- b. *These targets are based on a three year average.*
- c. *These measures are sourced from the National Survey of Community Satisfaction with Policing (NSCSP), a self-reporting survey conducted by Roy Morgan Research.*
- d. *Using the results of the relevant NSCSP questions, the percentage of persons 'concerned' in Measures 5-8 equals those who scored 'somewhat concerned' or 'very concerned'; the percentage of persons 'who feel safe' in Measures 9-10 equals those who scored 'safe' or 'very safe'; the percentage of persons 'satisfied' in Measures 16 equals those who scored 'satisfied' or 'very satisfied'; the percentage of persons 'who agree' in Measures 17-18 equals those who scored 'agree' or 'strongly agree'; the percentage of persons 'self-report to driving' in Measures 23-26 equals those who scored 'sometimes', 'most of the time' or 'always'. Measure 31 equals those who scored 'somewhat of a problem' or 'major problem' for each separate problem.*
- e. *Based on the actual number of issues linked to a complaint rather than the number of persons making complaints. Includes category 1 to 4 complaint issues relating only to ACT Policing members of the Australian Federal Police. Measure 19 excludes issues encompassed in Measure 20. Targets are based on the benchmark figures from 2007-2008.*
- f. *In the ACT, the prescribed limit is 0.02g of alcohol per 100mL of blood for those classed as a 'special driver' in the Road Transport (Alcohol and Drugs) Act, 1977.' Special drivers' include those with a learner, provisional, probation, restricted, suspended and disqualified licence. The prescribed limit for all other drivers is 0.05g of alcohol per 100mL of blood.*
- g. *Briefs delivered to the DPP within the designated timeframe include those where a formal extension was applied for and granted.*
- h. *These measures are based on the concept of a 'case' where a person may be brought before the court on multiple charges. The charges are, for the purposes of this measure, grouped under the apprehension identification number which is automatically generated by the PROMIS Case Management System.*
- i. *This measure records successful prosecutions as being those where any of the charges under one apprehension identification number has been proven before the court.*
- j. *This measure records cases where none of the charges under one apprehension identification number have been proven before the court.*
- k. *This measure records cases which resulted in a court appearance where a magistrate or judge has made a determination which is not related to a finding of guilty or not guilty. This currently refers to mental health orders used by a court.*
- l. *The term "otherwise resolved" includes cases referred to the Mental Health Tribunal, remands by the court before a matter is determined and Traffic Infringement Notices paid prior to the court date but after an informant is sworn.*
- m. *Excludes other agency referrals.*

Definitions – Schedule 1

Term	Definition
Offence	A breach of the criminal law.
Offences against the person	Offences against the person include homicide and related offences, assaults, sexually based offences, kidnap and other person offences.
Offences against property	Offences against property include robbery, blackmail, extortion, burglary, fraud, motor vehicle thefts, other theft offences, property damage and environmental offences.
Offence cleared	Offences cleared by arrest, summons, Voluntary Agreement to Attend Court, charge before court, diversionary conference, caution, Simple Cannabis Offence Notice, or otherwise resolved.
Comparability of Survey of Community Satisfaction with Policing results	Data reported in the 2000–2001 financial year was compiled by the Australian Bureau of Statistics and published in the Population Survey Monitor. These data were collected through face-to-face interviews with respondents through a sample of approximately 220 people in each quarter of the financial year. This was discontinued and replaced by the <i>Survey of Community Satisfaction with Policing (NSCSP)</i> , which is conducted on an ongoing basis throughout the year using telephone interviews. The NSCSP, has been conducted by Roy Morgan Research since 1 July 2006, and prior to this, by AC Nielsen. While the content of the survey remains relatively similar over time, there is some potential for variations in results based solely on the difference in the survey methodologies and survey providers.
Prioritised response model	The model used by the Computer Aided Dispatch system to prioritise incidents for dispatch of patrols.
Priority One Incident	Life threatening or time critical situations.
Priority Two Incident	Situations where the information provided indicates that time is important, but not critical.
Priority Three Incident	Situations where there is no immediate danger to safety or property, but where police attendance is needed without undue delay.
Priority Four Incident	Situations requiring police attendance where time is not critical and includes circumstances where a time is agreed with a complainant.
Percentage of 000 calls answered on first and second presentation.	<p>It is the policy of TELSTRA to re-present 000 calls to another line after 9 rings in order to maximise the response rate. This is a national standard endorsed by Emergency Service Organisations across Australia.</p> <p>The measurement of response to 000 calls is based on average operating capacity and the target for this measure does not include abnormal instances created by one major event where operating capacity is overloaded due to multiple reporting of the same incident.</p>
Complaint issues	Issues associated with a complaint made in accordance with the <i>Australian Federal Police Act, Part V, 1979</i> .
Custody	<p>The restriction or removal of a person's right to freedom of movement. May also be <i>constructive</i> as a result of a person <i>believing</i> that they may not exercise their free will as a result of dealings with a police officer and is deemed to exist in circumstances where a person:</p> <ul style="list-style-type: none"> i) is in the company, care, custody or control of a member or special member, and is restricted from leaving that company for the time being; ii) is placed in a holding room; iii) is lodged in police cells or an area or facility controlled by police; or iv) is placed under arrest.

Definitions – Schedule 1 (cont.)

Term	Definition
Injury	An injury sustained by any person as a result of a collision, which necessitates treatment by a medical practitioner.
DPP	Director of Public Prosecutions.
Hearing brief of evidence	A collation of all relevant evidentiary material relating to a prosecution to be forwarded to the DPP. It is accepted that for the Judicial Process Measures (Numbers 27, 28, 29, 30) the efficiency of other agencies such as the DPP as well as the capacity of victims and witnesses to present their evidence may also affect judicial process outcomes.

Schedule 2 – Resource Reporting

FTE Number

The ACT Government has agreed to fund the Full Time Equivalent (FTE) of 878 AFP employees engaged in the provision of community policing services to the ACT for financial year 2008-2009.³ This number is a budgeted figure only, acknowledging that actual staffing levels will vary at any given time.⁴ This budgeted figure is used in this Agreement for information only and not as a performance measure.

Staff Movement Reporting

In accordance with subclause 8.2 (c) of the Arrangement, the Chief Police Officer will report quarterly to the Police Minister on the deployment, operational status and movement of AFP employees. Reporting will include:

- Definitions;
- Designation of staff as per operational and non-operational staff;
- Aggregated number of staff transfers into ACT Policing; and
- Aggregated staff transfers out of ACT Policing;

The Chief Police Officer will give timely advice to the Minister on any senior AFP personnel movements or changes (from Superintendent rank (or equivalent) upwards).

³ FTE number (operational and non-operational personnel) includes enabling FTEs (such as forensics, IT personnel) and is the level to which a unit may be staffed. Actual FTE numbers do not represent individuals but represent the aggregate sum of the percentage of time spent on ACT Government Service Delivery by individuals employed within the ACT Policing business unit and AFP Enabling areas.

⁴ The budgeted FTE number is an annualised figure with actual FTE varying at any time in line with operational requirements. For example, the AFP may deploy additional resources to support ACT Policing in high workload periods such as Christmas/New Year period. Any increase in staffing may then be offset by reductions during low workload periods (winter) in order to remain within annual budgeted levels.

Schedule 3 – Financial Reporting

The Chief Police Officer will provide the following report on a quarterly basis in accordance with clause 17 of this Agreement:

Australian Federal Police ACT Community Policing Financial Performance For the period ending 30 June 2008

	Current Budget 2007-08	Expenditure YTD	Prorata Expenditure Rate Based On Phased Budgets	Full Year Estimate	Over/Under (-)
Employee Expenses					
Base Salaries (inc HDA)					
Composite Salaries					
Provision for Recreation Leave					
Provision for Long Service Leave					
Superannuation					
Overtime & Penalties					
Worker's Compensation - Comcare					
Total Salary Related Expenses					
Administrative Expenses					
Communications Expenses					
Computer Expenses					
Consultants/Contractors					
General Expenses					
Insurance					
Motor Vehicle Expenses					
Office Expenses					
Other Operational Costs					
Security					
Staff Expenses					
Training					
Travel Expenses					
Property Items Discretionary					
Total Administrative Expenses					
Non-Discretionary					
Property Operating Expenses					
Termination Payments					
Compensation & Legal					
Depreciation					
Total Non-Discretionary Expenses					
Enabling Expenses					
Health & Safety					
People Strategies					
Financial Services					
Learning & Development					
Policy & Commercial					
Forensic Services					
Professional Standards					
Technical Operations (I&FO)					
Total Enabling Expenses					
Total					

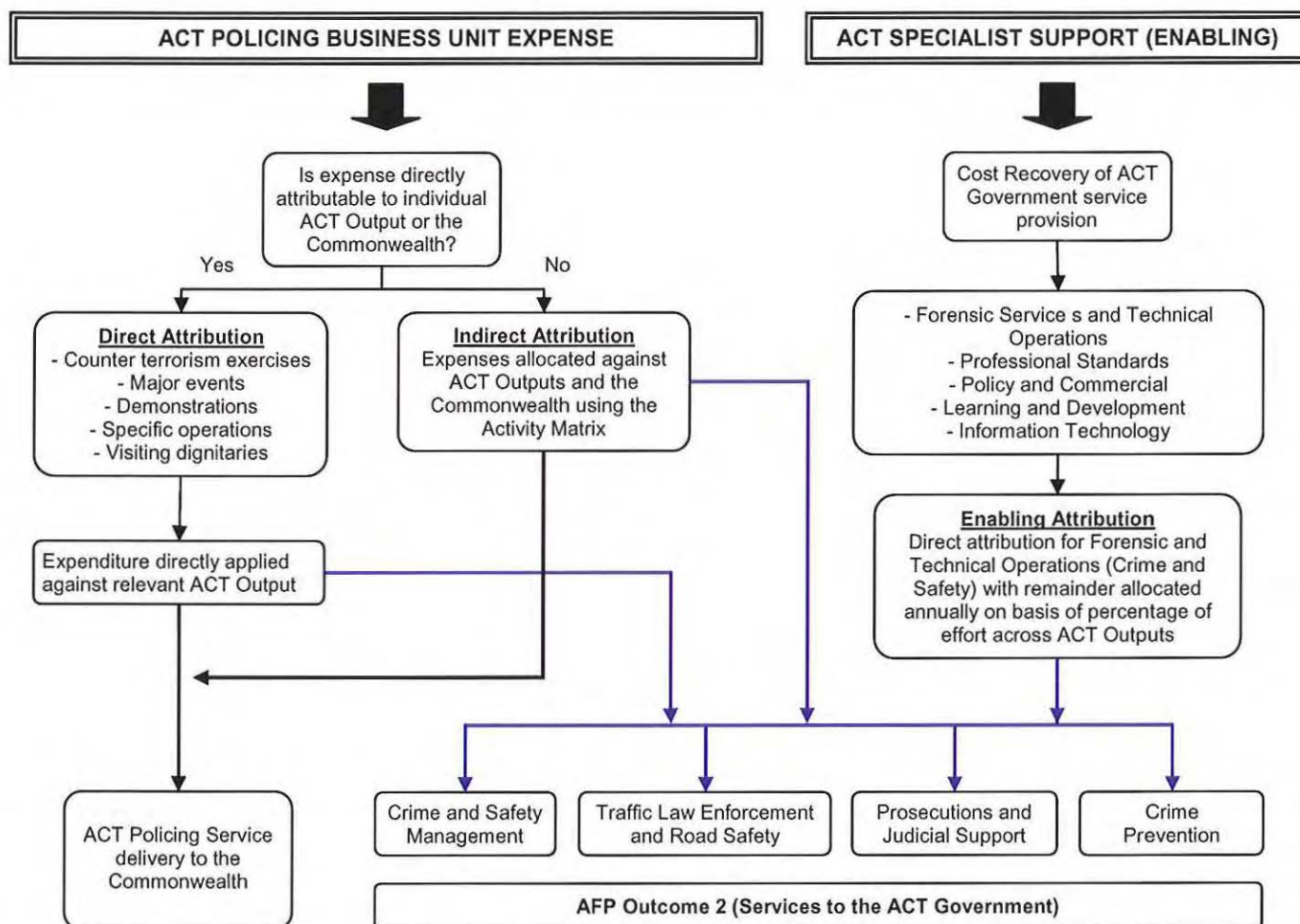
The report will be accompanied by commentary where consolidated node variations exceed 5% of pro-rata phased budgets.

Notes - Schedule 3

Cost Attribution Methodology

The AFP provides Community Policing services to the ACT Government on a cost recovery basis. Costs are calculated against defined outputs to be met by the AFP's ACT Policing business unit and some specialised elements from the wider AFP (Enabling). ACT Policing business unit costs are apportioned between the ACT and Commonwealth Governments on the basis of direct and indirect cost attribution. Costs associated with AFP operational and corporate support (Enabling) are determined using Commonwealth Government Cost Recovery Guidelines where appropriate.

AFP Cost Attribution Diagram



Indirect Attribution

The annual ACT Policing Activity Survey, which is used as an input into the Activity Matrix will be conducted at a time agreed to by the Police Minister and the Chief Police Officer. Any additional surveys or alternative methods of activity recording will be conducted where agreed to by both parties. Any changes to the Activity Matrix will be applied to the Financial Management Information System (FMIS) as soon as practical. No retrospective changes to the Activity Matrix will be made without the agreement of both parties.

ACT Funding Considerations

The following components are part of the ACT considerations for ACT Policing costs to the Territory in 2008-2009:

- (a) ACT Budgeted Full-Time Equivalents (FTE) of 878 FTE (783 FTE plus 95 FTE (enabling)) = \$123,547,000. In addition, a further \$320,000 is provided for additional Repairs and Maintenance in 2008-09.
- (b) Annual ACT Policing budget determined by annual budget outcomes with costings for any additional police calculated on level of police officer's experience and skill to perform task. The budgeted figure includes enabling services and incorporates the equalisation contribution for Police provided in the ACT GST pool.⁵

Definitions – Schedule 3

Term	Definition
Activity Survey	An annual statistical analysis of ACT Policing activities undertaken over a seven day period to capture and define the more routine tasks performed by ACT Policing which are not readily identified by direct cost-attribution. These tasks are subsequently attributed to either Commonwealth or ACT Outputs delivered by ACT Policing.
Activity Matrix	A table of values derived from a budget weighted average of activity survey data used to allocate indirect costs against ACT Policing Outputs at a cost centre level.
Enabling	Services purchased from the wider AFP such as Information Technology or Forensic Services not within the managerial responsibility of the Chief Police Officer.
FMIS	Financial Management Information System or otherwise known as Accounting System.

⁵ The equalisation contribution replaces the Special Fiscal Needs (SFN) allowance provided by the Commonwealth in recognition of the ACT not having control over the terms and conditions of employment of AFP employees.