

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mrs Lambley to the Minister for Police, Fire and Emergency Services:

Mandatory Vaccination for NT Police Officers

During the 2022 Budget Estimates Hearings the Police Commissioner stated that there were three Police Officers that did not “comply with the (vaccine) mandate” who had “proceedings” laid against them.

The Police Commissioner told the Budget Estimates Hearings that the “matters” pertaining to these three Police Officers was “before the Tribunal” and “under administrative process”.

1. Please provide details on what has happened with the “proceedings” against these officers for “non-compliance” with the vaccine mandate.

Answer: The relevant proceedings referred to are police inability appeal proceedings pursuant to Part VI of the *Police Administration Act 1978* (PAA).

On 13 October 2021, the Northern Territory Chief Health Officer (CHO) issued a COVID-19 Direction making the COVID-19 vaccine mandatory for certain workers (COVID-19 Directions (No. 55) 2022: Directions for mandatory vaccination of workers to attend the workplace) (‘CHO Direction No. 55/2021’). CHO Direction No. 55/2021 applied to all NTPFES employees and volunteers by the nature of work performed by NTPFES.

Pursuant to CHO Direction No. 55/2021, it was unlawful for relevant workers to enter their workplaces unless vaccinated or exempt from the vaccination requirement. CHO Direction No. 55/2021 applied to a wide range of workplaces, not just the NTPFES.

On 22 October 2021, the Commissioner and CEO issued an Agency wide Broadcast to advise that all NTPFES workers were subject to CHO Direction No. 55/2021 and the steps required to be undertaken, including where to find further information and support.

Inability processes pursuant to Part V of PAA were commenced against police members who failed to comply with CHO Direction No. 55/2021.

Specific comment is not made on matters that affect the privacy of individuals and on matters that are subject to disciplinary processes, inability processes and judicial processes, including matters before appeal boards.

2. Are these three officers still employed by the NT Police Service?

Answer: Specific comment is not made on matters that affect the privacy of individuals and on matters that are subject to disciplinary processes, inability processes and judicial processes, including matters before appeal boards.

3. Were these three officers retired, suspended or dismissed at any stage by the NT Police Service?

Answer: Please refer to answer to Question 2.

4. Were these three Police Officers put under any formal or informal disciplinary process for their personal decision to not have the COVID-19 Vaccination?

Answer: Please refer to answer to Question 2.

5. Were these three Police Officers counselled around the consequences or ramifications of not having the COVID-19 Vaccination?

Answer: Please refer to answer to Question 2.

6. Is “non-compliance” with the Vaccine Mandate a sack-able offence?

Answer: Please refer to answer to Question 1.

7. What was the outcome or judgement made of these three Police Officers coming “before the Tribunal” and “under administrative process”?

Answer: Please refer to answer to Question 2.

8. What determinations were made by the Police “Tribunal” and “administrative process” in relation to the “proceedings” against these three Police Officers?

Answer: Please refer to answer to Question 2.

9. Has the “administrative process” for dealing with the matters pertaining to these three Police Officers, and their personal decision to not get the COVID-19 Vaccination, been resolved?

Answer: Please refer to answer to Question 2.

10. If so, what was the resolution for each of these three Police Officers?

Answer: Please refer to answer to Question 2.

11. If not, what does the remaining part of this “administrative process” through the Tribunal involve for each of these three Police Officers?

Answer: Please refer to answer to Question 2.

12. Were these three Police Officers disciplined by the NT Police Service?

Answer: Please refer to answer to Question 2.

13. Are NT Police Officers required to have the COVID-19 Vaccination now?

Answer: The CHO revoked all mandatory COVID-19 vaccination requirements on 15 June 2022. NTPFES employees are no longer required to be vaccinated.

14. Will these three Police Officers be able to continue to work and pursue their careers in the NT Police Service despite their decision to not have the COVID-19 Vaccination?

Answer: Please refer to answer to Question 2.

15. Were NT Police Officers specifically and formally instructed to have a COVID-19 Vaccination?

Answer: Please refer to answer to Question 1.

16. If so, how was that instruction communicated to Police Officers? Please provide details.

Answer: Please refer to answer to Question 1.

17. If so, on what date were NT Police Officers first advised of this instruction to have a COVID-19 Vaccination?

Answer: Please refer to answer to Question 1.

18. Is the decision by Police Officers to not have a COVID-19 Vaccination during the Mandatory Vaccination period classified as “unlawful”?

Answer: Please refer to answer to Question 1.

19. Will the decision by these three Police Officers to not have a COVID-19 Vaccination be marked against them in their Police career in the NT?

Answer: Please refer to answer to Question 2.

20. What steps were taken to resolve this issue amicably and avoid taking “administrative” or formal steps?

Answer: Please refer to answer to Question 2.

21. Now that the Mandatory Vaccination requirement has lifted, will the “proceedings” against these three Police Officers that decided not to have the COVID-19 Vaccination be dropped?

Answer: Please refer to answer to Question 2.

22. Can this “matters” be resolved without formal consequences or formal discipline taken against these three Police Officers?

Answer: Please refer to answer to Question 2.

23. What “natural justice” mechanism are provided for these Police Officers facing this “administrative process”?

Answer: The inability process is pursuant to Part V of the PAA. Inability appeal proceedings are pursuant to Part VI of the PAA.

Specific comment is not made on the matters that affect the privacy of individuals and on matters that are subject to disciplinary processes, inability processes and judicial processes, including matters before appeal boards.

24. Are the proceedings and determinations of the Police Tribunal made public?

Answer: Proceedings and determinations by police inability appeal boards are not public. These are employment matters involving private details of members.

25. Who made the decision to have these “matters” pertaining to these three Police Officers put “before the Tribunal” and “under (an) administrative process” and why?

Answer: Inability processes are pursuant to Part V of the PAA. Under Part VI of the PAA, aggrieved members can institute an appeal of an inability decision.

26. Exactly what NT Police code of conduct or law have these three Police Officers broken or contravened?

Answer: Please refer to answer to Question 1.

27. Will, or have, these three Police Officers been able to return to their normal duties as members of the NT Police Service since these matters were highlighted in the 2022 Budget Estimates Hearings?

Answer: Please refer to answer to Question 2.