



Police Federation  
of Australia  
The National Voice of Policing

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Committee Secretary  
Senate Education and Employment Committees  
PO Box 6100  
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Canberra ACT 2600

Date: 29 June 2018

**Re: Inquiry into the role of Commonwealth, state and territory Governments in addressing the high rates of mental health conditions experienced by first responders, emergency service workers and volunteers.**

The Police Federation of Australia (PFA) thanks the Committee for the opportunity to make a submission in response to the afore mentioned inquiry on behalf of more than 62,000 police officers across the country that make up our membership. While the issues identified by the Committee in its Terms of Reference are complex and multi – layered, the PFA welcomes the government’s interest in the mental health for first respondents.

Firstly, the PFA needs to highlight that a large proportion of the organisation’s membership reside in the states and territories, with only a small percentage being federal employees as depicted in Table 1 (Australian Federal Police).

Secondly, it is not the intention of this submission to convince the Committee that there are widespread mental health and well-being issues within policing across the country as this is widely acknowledged. Likewise, this submission will not be summarising the key findings of the numerous reports/reviews that have been conducted across the various police jurisdictions into mental health and member well-being issues, nor will it be offering evaluation of the various initiatives currently taking place across the various jurisdictions. These initiatives are however listed at the end of this submission, for the information and consideration of the committee (See ANNEXURE A).

With this in mind, the PFA will endeavor to target recommendations made within this submission on areas that a Federal Senate Committee may be able to impact in respect to this important issue.

PFA Membership Numbers as at 31 December 2017	
<b>AFPA</b>	3938
<b>NT</b>	1426
<b>NSW</b>	16555
<b>SA</b>	4920
<b>VIC</b>	15610
<b>TAS</b>	1270
<b>QLD</b>	11560
<b>WA</b>	6532
<b>TOTAL</b>	61811

**Table 1: PFA membership numbers.**

But by the calling of this inquiry, it is apparent that there exists the need for a holistic national approach to the issue of the mental wellbeing of first responders. In recognition of the importance of this issue the PFA recommends to the Committee that the issue of mental well-being of first responders become a standing agenda item on the COAG agenda.

## **RECOMMENDATION**

**That the issue of the mental wellbeing of first responders become a standing item on the COAG agenda**

### **Introduction:**

The oath of office that police swear upon attestation, makes them very different from other government workers. This oath of office, while giving police enormous powers, also places upon them great responsibility. It is this personal responsibility that differentiates the obligations of the police officer from other emergency services workers in two primary respects:

1. The oath of office obliges the officer to place him or herself into situations of physical or psychological danger where it is necessary to keep the peace or to protect the lives and property of members of the public. A police officer's obligation to the law places everything else in a secondary position
2. The oath obliges the officer to be on duty effectively twenty-four hours a day, seven days a week making the officer obliged to intervene in any situation where they perceive an offence is being committed, regardless of whether they are on rostered duty. There are well documented instances of disciplinary action being taken against officers who have not fulfilled this duty. His/her office is one that is independently exercised and subject to no one's direction. Even though the powers of the constable are significant (including the power to take both liberty and life), the consequent obligations are heavy and under constant oversight. These obligations flow also to the officer's private life. Officers may lose their employment and their career for behaviour that in all other occupations would be considered private. In many ways, the police officer "sells" more than just his or her labour when taking the oath of office.

It is widely recognized through anecdotal and multiple research projects, that there are current serving and former police officers who are nursing debilitating psychological injuries incurred in the line of duty. Apart from the significant pain of the illness itself, there is the isolation and stigma which often accompanies diagnosis.

Depression, anxiety and PTSD are the "popular" mental health issues - but there are many other conditions that fall within the category of mental health. And while some psychological injuries are the result of one or more traumatic episodes, it is often the case that the illness is incremental, and can have deleterious impacts upon not only the officer but also upon the officer's family.

Recent work done by Dr Nicholas Carleton, Associate Professor of the Department of Psychology at the University of Regina<sup>1</sup>, emphasises the unique workplace environment of public safety officers, including police "where trauma exposure is the rule rather than the exception". He says that such "exposure is different for public safety personnel than for military personnel, not better, not worse, but different. Our

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<sup>1</sup> Healthy Minds, Safe Communities: Supporting our Public Safety Officers through a national strategy for operational stress injuries – Report of the Standing Committee on Public Safety and National Security, House of Commons Canada, October 2016

public safety personnel are deployed at home in an environment of ongoing uncertainty, often for decades”.

The PFA argues that this description can also be applied to the numerous police services that operate across the country.

### **Australia New Zealand Council of the Police Profession (ANZCoPP)**

ANZCoPP is an incorporated association, registered pursuant to the provisions of the *Associations Incorporation Reform Act 2012* (Victoria).

ANZCoPP is a unique organization, due to its composition that includes all Police Commissioners from Australia and New Zealand as well the presidents of the Police Federation of Australia (PFA) and the New Zealand Police Association (NZPA). No other national style organization can be identified internationally that has employers and the employees seated at the same table. ANZCoPP therefore offers a unique opportunity for policing to pursue issues such as the mental well-being of police officers across Australia and New Zealand.

The purposes of ANZCoPP within its rules are to –

- a) Maintain, support and enhance the profession of policing across Australia and New Zealand;
- b) Develop, establish, maintain and approve police practice standards for education and training; and
- c) Advance the body of knowledge for the policing profession through collaboration on key workforce issues

At its most recent meeting held on 20 June, the Council approved the Annual Strategic Work Plan 2018-19 which is aligned to the Australia New Zealand Policing Profession Framework. One of the key elements of that plan and identified as a key priority under the heading of Professional Development, was the well-being of police via a Mental Health Guide and a Common Police Mental Health Framework.

The PFA looks forward to working with Commissioners to pursue such important outcomes.

## RECOMMENDATION

**The PFA recommends that when the Committee sets its national hearing schedule, that ANZCoPP be invited to appear to present evidence.**

### **Policing and Mental Health**

There is a commonly held assumption that being exposed to trauma may result in post-traumatic stress disorder (PTSD). However, recent research has found that police officers also experience significant distress from repeated exposure to lower-level stresses found within the workplace.

In Canada, the term 'Operational Stress Injury' (OSI) is used when referring to mental and emotional injuries. First conceptualized by the Canadian Armed Forces and now accepted terminology within Canadian First Responder ranks OSI is a non-clinical term that refers to persistent psychological difficulties caused by traumatic experiences or prolonged high stress or fatigue during service as a military member or as a first responder and is a term that could easily be applied to the Australian context.

Research on the social and emotional well-being of police officers conducted in both the UK and Canada indicates, that a combination of not only police work, but also organisational and managerial cultures in which policing is carried out contributes to psychological injury.

It is the PFA's expectation that *beyondblue's* National Mental Health and Wellbeing Study of Police and Emergency Responders, the results of which will be released later in 2018, will show similar results in Australia to the UK and Canada research.

Observed in similar policing jurisdictions overseas as well as in Australia, stresses within the police workplace include:

- consistent exposure to trauma
- inadequate staffing levels and a lack of resources
  - police are the last agency of resort (eg transport of prisoners and guarding and transport of mental health patients)
- hypervigilance

- fear of reporting mental health injuries to the system
- bureaucratic management styles;
- perceived lack of leadership
- perceived lack of support from politicians & senior management
- perceived unfair decision-making by managers;
- bureaucratic complaint management processes;
- multiple layers of oversight bodies
- various inquiry bodies, including coronial inquiries
- perceived insensitivity to personal distress
- ever increasing workload
- pressure to achieve fast response times
- pressure on clear up rates
- changing nature of crime
  - organized crime
  - terrorism
  - cybercrime
- often unreal community expectations and demands
  - police try to be all things to all people and it's not possible
- intense public criticism post event
- media/social media
  - police on camera all the time
    - instant information, whether it's factual or not
  - constant news cycle
- priorities constantly shifting and dictated by 'flavor of the month' issues
- massive changes in the way police do their work but the judicial system slow to keep pace
- economic factors within the workplace
  - on one hand police are costing too much but on the other hand expected to do more with less
- shift work.

All those listed above have been found to have an impact on member's mental health and well-being. One of the major issues that affects police stress levels is the perception of constant change. Dr Linda Duxbury from the Sprott School of Business, Carleton University, Canada stated<sup>2</sup> "Stress levels amongst police will continue to increase, and further cement resistance to internal change if –

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<sup>2</sup> Changing the conversation from cost to value, presentation to International Council of Police Representative Organisations (ICPRA) Spain 2016

- the focus for change is only on money;
- expectations continue that the police can do everything;
- there is no change in legislation to allow police to say no to things that others should be doing; and
- politics and appeasing special interest groups continue to influence the agenda”.

A historically male-dominated culture that encourages brute endurance and denial of mental trauma, leads to a fear amongst police that acknowledging distress will result in damage to their careers. Many reviews into police mental health and well-being cite, that members delay in seeking assistance or recognizing symptoms for a range of reasons; one concern being about the detrimental impact such reporting would have on their career trajectory. Members not recognizing the symptoms of mental trauma is another reason why they don't immediately seek assistance. This is one of the key elements of the National Awareness Campaign currently being produced by the PFA which will be discussed later in this paper.

The PFA and its respective Branches, have undertaken numerous activities in supporting our member's mental health and well-being. These activities include:

- **Kevin Gilmartin**

The PFA and its Branches have sponsored Kevin Gilmartin to visit Australia and conduct numerous speaking engagements across the country. His area of expertise focuses on emotional survival as a first respondent and the importance of the officer becoming an active agent in their own physical and emotional survival. His book *Emotional Survival for Law Enforcement: A Guide for Law Enforcement Officers and their families* <http://emotionalsurvival.com/about.htm> has been provided to thousands of police officers, including recruits upon graduating in several jurisdictions.

- **equipt app**

The *equipt* app <https://appadvice.com/app/equipt/1150185029> was officially launched in September 2016 and has been downloaded over 15,000 times through the App Store and Google Play to date.

Developed by the Police Association Victoria (TPAV) in conjunction with Victoria Police, with specialist input from Phoenix Australia - Centre for Posttraumatic Mental Health, the app is designed for current and former sworn officers, police employees and their families and provides tools that can help users strengthen their physical and mental wellbeing and manage their mood and mindset to help control stress levels. Meanwhile Apple is working with the developers to enhance the functionality and experience that can be offered on iOS devices.

The *equipt* app has been successfully adapted to every police jurisdiction in Australia and New Zealand, with each jurisdiction having their own personalised look and feel with support services listed as relevant to their user-base.

The TPAV/Victoria Police *equipt* project team have been working on the next update of the app that will include a focus on sleep hygiene and shift work.

The app has also drawn interest from the international police community with the *equipt* project team being invited to present to the International Council of Police Representative Associations<sup>3</sup> (ICPRA) biennial conference in September in Canberra.

- **National Awareness Campaign on Police Officer Mental Wellbeing**

In 2017, the PFA secured a \$1 million-dollar grant from the Proceeds of Crime Account (POCA) to fund a National Awareness Campaign on Police Officer Mental Well-being.

Due to be launched in late 2018, this campaign includes a tele movie style video and resource material that will be made available across all jurisdictions and to all 62,000 members and their families.

The major thrust of the campaign is to break down the stigma attached to emotional illness and for officers to feel comfortable to say that they are doing it tough. The PFA hopes this campaign will be the beginning of educational and support activities funded by the federal government, with scope to include a helpline or portal for members to access vital help and information in the future, dependent on federal government support.

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<sup>3</sup> ICPRA is the international network of police unions has in excess of 1.5 million members affiliated through national police associations and federations with unions from four continents speaking over 30 languages.

The broad outcomes of the multifaceted and integrated program are anticipated to include:

- Increased awareness of social and emotional well-being/mental health issues -including, but not limited to, psychological injuries incurred by members;
- An established and accepted connection between social and emotional well-being/mental health issues and personal and professional safety;
- Development and implementation of strategies to help preserve members' social and emotional well-being/mental health;
- Development of culturally relevant and accessible collateral, materials avenues and pathways to information and help with regard to social and emotional well-being/mental health;
- Encourage early help seeking; and
- Point to pathways for help.

Research to inform the campaign, including the tele movie, has included interviewing officers across the country; which has proven that police, regardless of the jurisdiction in which they live, are subject to the same stresses, which can have the same detrimental impact upon their mental and emotional well-being no matter which part of the country they are from.

Filming of the tele movie has begun, and it is anticipated that the campaign will be rolled out to members in earnest in late 2018.



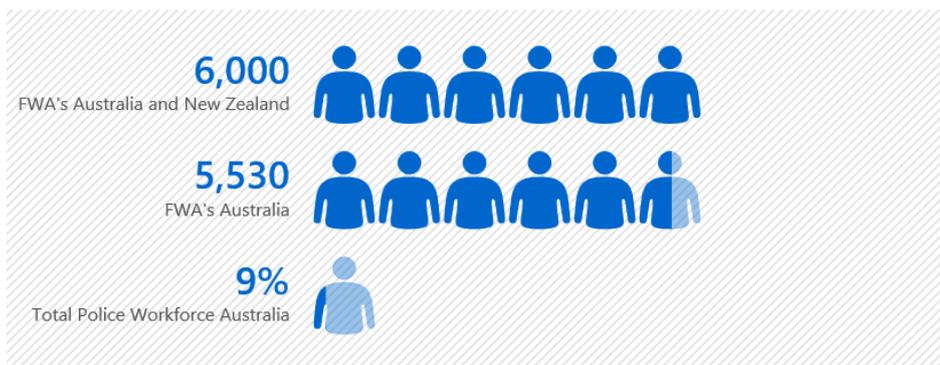
Police representing each jurisdiction filmed as part of the National Awareness Campaign, 11-13 June 2018.

- **Work Life Balance**

Flexible Work Arrangements (FWA) Survey

Outcomes of the 2017 Flexible Work Arrangements Survey undertaken by the PFA indicate that the benefits of FWAs are significant and access to them is appreciated by officers and their families. To date, there are a reported 5,530 police officers working FWAs, equating to 9% of the two countries surveyed, police workforce.

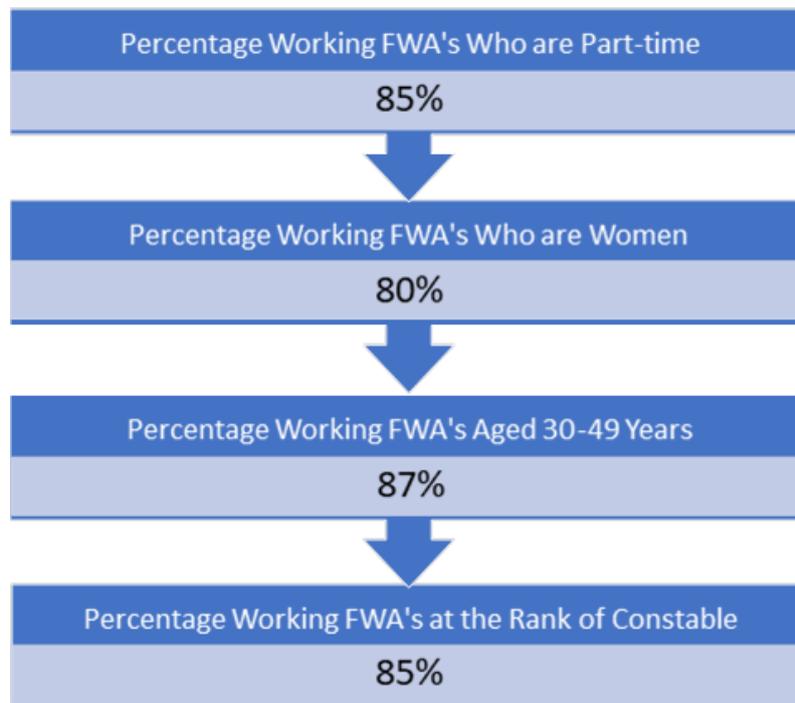
**Police Working FWA's**



**Table 2: Police who are already working FWAs**

The Survey, conducted across Australia and New Zealand, was the largest survey of police ever to be undertaken with 11,418 police officers responding; equating to

approximately 16.5% of the combined police forces at the time the survey was conducted.

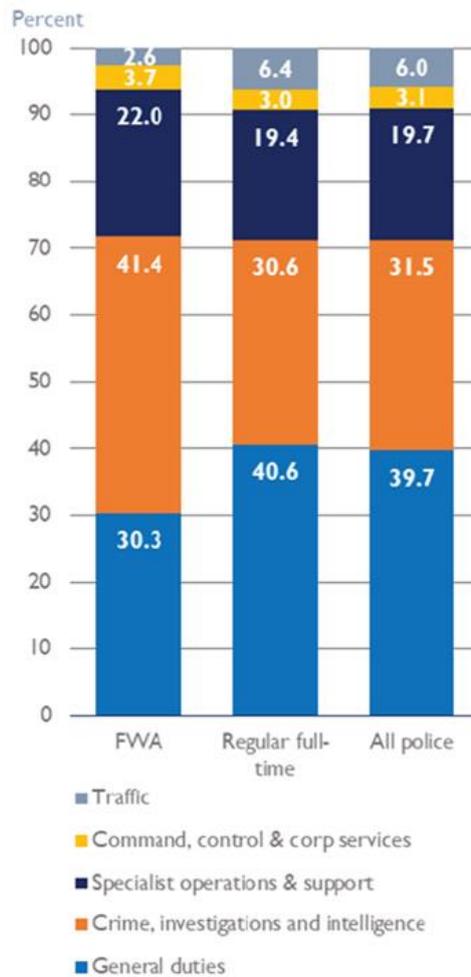


**Table 3: Percentage breakdown of survey respondents**

Evidence from the survey suggests that FWAs can mitigate many of the work stress factors affecting police officers. Almost all measures of job satisfaction collected show better outcomes for those working FWAs than for regular full-timers. Qualitative data strongly suggests that FWAs allow retention of staff who would otherwise leave the police force, and that for many respondents their commitment to a policing career is increased as a result. It also noted that police officers on general duties are under-represented on FWAs, whilst officers working in crime and investigations, or specialist operations and support services, are over-represented.<sup>4</sup>

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<sup>4</sup> Cole, M and Sanderson, C. Flexible Working Arrangements for Police in Australia and New Zealand Summary Report Nov 2017 pg 44



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**Table 4: Distribution (%) of police by duty type within a) police on FWA's b) regular full-time police and, c) all police.**

*Stress and work life balance –*

Data for those on FWAs was compared to aggregated data for all police. There were few differences in the proportions of police on FWAs taking time off for illness and all police taking time off for illness. However, a significantly smaller percentage of police on FWAs took time off for both injury and stress, compared with the percentage of the total police population taking time off.

Rates of absenteeism in general were very high - more than a third of police had at least a day off due to illness in the preceding month, and over a fifth had at least a day off due to stress. These patterns support comments made by many police about

<sup>5</sup> Cole, M & Sanderson, C, 2017, *Flexible Working Arrangements for Police in Australia and New Zealand Summary Report*, Police Federation of Australia, Canberra, Australia p46

high levels of sick leave and stress leave and the negative impact this has on rostering generally. The results are consistent with a minimum of around 10 days off a year per officer on stress leave – about three times the national average.

The generally lower rates of time off for stress for those on FWAs is an important finding. Factors that may possibly contribute are: the overall younger age of those working FWAs, the fact that their rosters allow them more down time to recover from work stress, and the duty types which are undertaken by those on FWAs.

Further research however is needed to clarify this result, and to investigate linkages between roster and duty types and stress.<sup>6</sup>

The most frequently identified factor in workplace stress, by nearly 50 percent of police, is lack of support from management. Workload and resourcing issues are rated as significant factors by about 40 percent of police. Across the board, those on FWAs rate these factors as less important than other police, which suggests that being on a FWA can mitigate many elements of work-related stress.

Only two factors were identified as being more significant by those on FWAs than by all police. High self-expectations are the most frequently identified factor by those working FWAs. Based on themes from the qualitative data, we suggest that this pattern may relate to the fact that those on FWAs feel they need to try harder, perform better, and achieve more in their role than other officers.

Other officers also experience high self-expectations as stressful, to a significant degree, but it is not the main factor they identify. Attitudes of fellow officers makes the least contribution to stress for all police officers, at 15 percent, but for those on FWAs it is slightly more important.<sup>7</sup>

Almost half of all police are happy with “existing arrangements supporting work-life balance” and think they have enough flexibility in their hours “to take account of personal needs”. But a sizeable minority- roughly a third of all police officers - are unhappy about the way existing work arrangements impact on work-life balance and do not think they have enough flexibility in hours to take account of their personal needs.

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<sup>6</sup> Cole, M and Sanderson, C. Flexible Working Arrangements for Police in Australia and New Zealand Summary Report Nov 2017 pg 22

<sup>7</sup> Cole, M and Sanderson, C. Flexible Working Arrangements for Police in Australia and New Zealand Summary Report Nov 2017 pg 26

- Almost 3 in 5 consider that current arrangements do not allow for officers to move between full-time work and part-time work when needed;
- Just over one half of all police officers disagree that part-time work is available for them personally should they need it, while only 1 in 4 officers agree they can access part-time work.

These two findings suggest significant limitations on the availability of part-time work for police officers.

Overall, the results suggest that current arrangements and workplace cultures do not offer strong support for flexibility and work-life balance:

- More than one third of all police do not agree that their “employer recognises they have a life outside of work” and less than two fifths do agree; and
- Police are divided over whether preferred shift patterns are usually accommodated, with roughly one third agreeing and slightly more than a third disagreeing.<sup>8</sup>

Over forty percent of police across the jurisdictions believe that greater flexibility would result in better policing outcomes, with more than half all police officers agree that police officers will be more satisfied if greater flexibility is introduced in their workplaces, leading to better policing outcomes.<sup>9</sup>

#### *Burnout, fatigue, and transitioning to retirement –*

Respondents also talked about stress, burnout and increasing fatigue at work, often saying how many years they have done shift work and commenting on the toll taken on their health and family life. Specifically, some are still doing frontline roles as they come into their fifties and feel the long-term consequences of this.

Transition to retirement is an uncommon reason for FWAs at present, with less than two percent of the total number of current FWAs for this reason, and most of these are for males over 50. However, around 13 percent of future requests for FWAs are likely to relate to transition to retirement.

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<sup>8</sup> Cole, M and Sanderson, C. Flexible Working Arrangements for Police in Australia and New Zealand Summary Report Nov 2017 pg 66

<sup>9</sup> Cole, M and Sanderson, C. Flexible Working Arrangements for Police in Australia and New Zealand Summary Report Nov 2017 pg 71

Over 750 requests for transition to retirement FWAs from male police officers aged over 50 are projected, based on survey responses, with very few requests coming from women. Although very small in number, the data suggests that requests from women aged over 50 for FWAs due to transition to retirement could also increase as a proportion of all requests from women officers in the over 50 age bracket over the next five years<sup>10</sup>.

Long commutes are also mentioned by some respondents as impacting upon work life balance.<sup>11</sup> The 2016 census data reveals that in NSW 17% of all police service staff travel 50km and over to work. In Victoria that is 10% and Queensland 7%. This is particularly an issue for those members working in major metropolitan centres.

## **RECOMMENDATION**

**That the Committee supports the use of Flexible Working Arrangements in policing as a means of encouraging greater work life balance and as a minimizer to stress related injuries.**

## **POSSIBLE AREAS OF ADDRESS WITHIN A NATIONAL POLICY CONTEXT**

The PFA wishes to highlight the work done by Canada's House of Commons, Standing Committee on Public Safety and National Security and the Report *Healthy Minds, Safe Communities: Supporting our Public Safety Officers through a National Strategy for Operational Stress Injuries*  
<https://www.ourcommons.ca/Content/Committee/421/SECU/Reports/RP8457704/securep05/securep05-e.pdf>

The PFA believe the findings of this Report to be pertinent to the issues raised in this inquiry, due to the similarity between Canada and Australia's policing model.

Recently the Canadian government has moved to establish a national strategy for first responders who are suffering from Post-Traumatic Stress Disorder.  
<https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/mrgnc-prprdnss/ptsi-en.aspx>

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<sup>10</sup>Cole, M and Sanderson, C. Flexible Working Arrangements for Police in Australia and New Zealand Summary Report Nov 2017 pg 94

<sup>11</sup> Cole, M and Sanderson, C. Flexible Working Arrangements for Police in Australia and New Zealand Summary Report Nov 2017 pg 97

## **Veteran's Health Cards**

Giving police access to Veteran's Health Cards is often raised within policing.

Unlike defence force personnel, retired police officers who are suffering from ill health and who have moved jurisdictions post retirement, struggle to access worker's compensation funded treatment due to not being located in their home jurisdiction. The Veteran's Health Cards, currently issued through the Department of Veteran's Affairs (DVA), makes card holders eligible for treatment and care at DVA expense, regardless of where they are.

Calls for the card to be extended to officers who have served on overseas missions, particularly alongside defense force personnel, has been a long-standing request to government by the PFA. This inquiry provides an opportunity for the Committee to examine the feasibility of expanding such an arrangement to **all** police and former police.

The benefits of such a card for police should correspond to those available to veterans and include the different levels of support available through gold, white and orange cards, covering all health needs including medical and allied services.

Often there are fewer services available for former officers. Such a card, and the benefits attached, would complement and expand on any support that is currently available to former police officers. It would also ensure that there were no gaps in services provided for their mental health needs.

## **RECOMMENDATION**

**That the committee recommends the capacity for police to sustain mental injury owing to their occupation be recognized by extending the Veteran's Health Card to police following the completion of a pre-determined period of continuous service**

### **A national independent service provider network**

Another issue that the Committee could consider, is identifying potential dedicated mental health facilities or a dedicated independent service provider network, which

would provide clear pathways for those seeking assistance, with an emphasis on early intervention, accurate diagnosis and treatment.

Given the geographical coverage required to meet the needs of our members, a national approach and funding is required. Such a service would need to be available in every jurisdiction to allow for specialist psychiatric and alternative therapy services, including when members are acutely psychiatrically unwell or potentially suicidal.

Such a provision would need access to dedicated hospitals or potentially separate wings of an existing hospitals.

It would be beneficial to have such facilities separate for police, as it separates them from patients who might have had negative interactions with police due to their own mental health issues. Such facilities would also be able to include emergency admissions for members who may be potentially suicidal.

#### **RECOMMENDATION:**

**That the Committee recommends the funding of a national service provider network to assist police suffering from psychological trauma**

#### **Workers Compensation**

One of the biggest issues raised by members is the worker's compensation process; with the arduous and unhelpful process of making a claim, often standing in the way of many members getting quick access to effective treatment.

Members with insurance claims have reported that they have felt "isolated from their employers and former colleagues" <https://www.smh.com.au/national/nsw/police-on-the-scrap-heap--public-campaign-for-insurance-claim-20151101-gknxst.html> with reports that police officers making psychological damages claims waiting an average of six years to settle <https://www.dailytelegraph.com.au/news/nsw/traumatised-police-officers-waiting-six-years-for-claims-as-insurance-companies-drag-heels/news-story/94f7c64c108c0eba7faebe71e61a83a7>

Research shows that people who seek compensation for PTSD are more likely to have a poorer prognosis, more severe symptoms and longer recovery time than

those who haven't sought compensation

<https://www.ptsd.va.gov/professional/newsletters/research-quarterly/V18N4.pdf>

According to findings, there are plausible reasons for this pattern including:

- people seeking compensation are doing so because their psychological injury is more severe; and
- the claims process is prolonged, triggers further stress and exacerbates symptoms or otherwise hinders recovery.

Issues brought to the PFA's attention during the compilation of this submission impacting on members seeking support during the processing of claims include:

- the process involved in many workers compensation claims have actively prevented members from returning to good health;
- have prevented members from returning to work; and
- and when member shave returned to work, often times treatment is taken away thus making it difficult for members to remain at work.

It has also been suggested that in some jurisdictions, key performance indicators had been imposed on those agents tasked with processing claims as well as performance based bonuses to agents.

## **RECOMMENDATION**

**That the Committee recommend that all workers compensation systems for police deliver timely assessment for claims in a way that protects those who are distressed and psychologically unwell.**

### **Presumptive Legislation**

Efforts to lobby various governments for presumptive legislation has been undertaken in some jurisdictions with limited success.

The Police Association Victoria (TPA) in conjunction with Ambulance Employees Australia Victoria (AEAV), made a submission to the Victorian Government in June 2016<sup>12</sup>,

The submission argued that recognition of PTSD as an occupational illness for Emergency Services Workers would:

- Recognise the value and risks associated with the work performed by emergency Services Workers;
- Acknowledge the psychological toll that repeated exposure to trauma has on our Emergency Services Workers;
- Remove barriers to obtaining treatment by providing our Emergency Services Workers suffering PTSD with fair access to worker's compensation benefits by reversing the onus of proof so that the employer must show that PTSD was not caused by work; and
- Remove the adversarial approach to PTSD claims that will reduce the stress and anxiety already felt by emergency Services Workers and enable earlier treatment so they make a speedier recovery and return to work sooner.

The Canadian Police Association, together with their local and provincial police associations have affectively lobbied some provinces for presumptive legislation to reverse the burden of proof for those who have been diagnosed with PTSD.

Whilst at this stage presumptive legislation for mental health injuries has not gather momentum, the PFA believe it is still a viable option in the support of members suffering psychological trauma.

#### **RECOMMENDATION:**

**That the Committee recommend that the issue of Presumptive Legislation, recognizing psychological injuries to police and other first responders, be referred to COAG with a view to the development of harmonised legislation across every jurisdiction.**

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<sup>12</sup> "Trauma doesn't end when the shift does – Post traumatic stress disorder as a presumptive illness for Emergency Service Workers"

## **Provisional Acceptance of Claims**

In tandem with Presumptive Legislation, should be support of legislation that underpins the Provisional Acceptance of claims. Such a move would go a long way to reducing the trauma on officers during the difficult process of making a workers' compensation claim for psychological injury.

Provisional acceptance of claims would allow our members to access services immediately following an incident and maintain that support throughout any subsequent proceedings.

This would take some of the immediate stress away from the injured worker and their family by ensuring that the insurer commences the immediate payment of any claim, including medical expenses, but also protects the insurer by allowing them not to admit liability at this early stage.

Accepting provisional liability allows the insurer time to make a more informed decision on liability and at the same time allows the injured worker to provide more information/evidence that might be required, whilst being paid the provisional claim.

## **RECOMMENDATION**

**That the Committee recommend that the issue of the Provisional Acceptance of claims for psychological injuries to police and other first responders, be referred to COAG with a view to the development of an intergovernmental agreement on the issue.**

## **Coronial and other Inquiries**

*“In the early hours of 15 December 2014, fourteen NSW Police Officers called their loved ones and said their goodbyes”. They were preparing to storm the Lindt Café.*

*“For those who stormed the café — and the hundreds of officers who supported them that day — there would be no peace once the guns went silent. Instead they have been subjected to a two-year ordeal, a coronial*

*inquest, driven by lawyers, who were hell-bent on turning the inquiry into a public witch-hunt.*

*There was always going to be an inquest, as there should be. In fact, global terrorism events have proven the benefit of fast and thorough operational reviews.*

*The theory is that terrorist tactics are moving so fast that incidents need to be reviewed quickly, so lessons can be learned, and new processes taken on board.*

*Instead of a fast turnaround, the NSW Coronial Inquiry took 18 months to commence. A purpose-built court room in the CBD was constructed, lawyers were employed, and a standalone media room was also fitted out.*

*Police decisions should be scrutinised, because we need to make the right decisions. If there are areas where performance can be improved the focus is to identify them quickly and rectify them.*

*It is worth noting that coronial inquests are run as inquisitorial processes, designed to determine identities of the deceased persons, the times and dates of their deaths and the manner and cause of their deaths.*

*It gives the Coroner, a magistrate not a judge, the scope to make recommendation in relation to matters in connection with an inquest or inquiry (including recommendations concerning public health and safety and the investigation or review of matters by persons or bodies).*

*But instead of scrutiny, police officers were subjected to what can only be described as a media circus. Instead of a sober inquisitorial process it descended into an adversarial attack and instead of a search for the truth we witnessed taxpayer funded lawyers on a frolic, cross-examining police officers as if they were on trial.*

*For some lawyers the focus appeared to be not just to attribute blame but moral culpability, twisting words to belittle experienced officers. And every*

*negative comment was being amplified by a media contingent breathlessly tapping the evidence straight onto social media platforms”.*<sup>13</sup>

The Lindt Café coronial inquiry was the exception rather than the norm, however, since that Inquiry, we have witnessed inquiries in other states that appear to have had little concern for the welfare of police appearing before them. In doing so, they have caused major stress for officers involved and their families even when it was evident that none of the officers had acted inappropriately.

In the “Review of the investigative process following a death associated with police contact” by Michael Strong, then Director, Police Integrity, to the Victorian Government, a number of principles that underpin the optimal framework for such a process were recommended.

The report recognized that any death associated with police contact is a tragedy, not only for the family and friends of the deceased, but also for the police involved.

The Review established several working groups, one of which was – “Improving Current Processes”.

Under the heading “Next of Kin Involvement” it states, “The group will focus on Improving the experience and treatment of affected parties in the investigative process, and access to welfare and legal representation. While it is recognized that police involved in police related deaths are affected by these incidents, the focus of this group will be on the family (and network) of the deceased”.

Whilst the report mentions the welfare of police, it is critical of police leaders who might demonstrate some public support for the welfare of police involved in such deaths as it could be perceived to pre-empt the outcome of any investigation and invite the perception of bias.

On 15 June 2018, almost 14 years after the Palm Island riot and subsequent coronial inquiry, the Federal Court handed down its decision regarding the outstanding matter of a court ordered apology by police. One only wonders what has been the impact on the emotional well-being of the police involved in the events on Palm Island, due to the delay of the inquiry, bearing in mind no police were convicted of any criminal offences in relation to the matter?

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<sup>13</sup> The True Story of the Lindt Café by Tony King - NSW Police News July 2017

## **RECOMMENDATION**

**That the Committee recommends that one of the underpinning principles of any coronial inquiry, should be for the welfare of the police officers involved in such inquiries**

The Lindt Café siege coronial inquiry has highlighted several issues that the PFA believe are important in future coronial inquiries into such incidents.

## **RECOMMENDATION**

**That the Committee recommends that in respect to future coronial inquiries into counter terrorism incidents that the following underpinning principles should apply –**

- **the Inquiry should commence as soon as practicable after the incident so that lessons can be learnt while they are still relevant, bearing in mind the changing nature of counter terrorism incidents;**
- **the inquiry should be dispassionate and not force members to reveal operational methodologies publicly;**
- **that there should be a presumption of the suppression of details of police involved in the incident;**
- **that such inquiries be inquisitorial and not adversarial; and**
- **that the cross examination of witnesses should be focused on finding the facts not looking for concessions or who is at fault**

## **Complaints Handling**

Another factor that causes significant stress to police is the time it takes to resolve complaints against them.

A number of jurisdictions have recently reviewed or amended their complaints handling mechanisms, including most recently in SA and NSW. There is also currently a Parliamentary Inquiry into the Independent Broad-Based Anti-Corruption Commission (IBAC) in Victoria.

To assist in alleviating the stress on police caused by complaints against them is to ensure the timely completion of such investigation and the issue of the suspension of police without pay whilst investigations are taking place, should be the last resort and only used after the conviction of an officer for what would be a dismissal type offence.

### **Superannuation preservation age**

In 2000, the then NSW Police Commissioner said,

“It is grossly unfair, in my view, for men and women over 45 or 50 to wrestle with drunks in the street, to be attacked by healthy, fit young people in very difficult circumstances, and hope to escape without injury. The Police Service should be recognized, in terms of operational policing, as a young person’s job.....”

Since then, the PFA has been campaigning to ensure that current superannuation preservation age arrangements do not continue to creep upwards.

With the pension age due to increase to 67 for anyone born after 1 January 1957, and recent debate on the Coalition policy to raise it to 70 by 2035, the issue of preservation age has once again been brought into the spotlight.

It has recently been reported that sections of the financial services industry are arguing for a five-year gap between the access age and the pension age.<sup>14</sup> This would mean an access age of 62 for a pension age of 67 and an access age of 65 for a pension age of 70.

It will be apparent to the Committee after reading the various submissions and hearing evidence to this inquiry, that forcing police to work beyond age 60, if they did not wish to do so, or felt they could not, would be a significant impediment to their on-going mental wellbeing.

All of Australia’s Police Commissioners are supportive of the PFA’s position on this issue.

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<sup>14</sup> Increasing the super access age doesn’t stack up, John Collett, Canberra Times April 3, 2018

## **RECOMMENDATION:**

**That the Committee recommend that a preservation age of 60 years not be increased for police officer to enable them to continue to retire with dignity**

## **Conclusion**

There is no longer any doubt, nor we argue is there a need to convince the Committee or the wider community that police are at risk of physiological injury. This is a well documented fact, upon which we can all agree. How to assist services whose membership are thus afflicted, is where the question lies.

Due to the complexities involved with policing being predominately the responsibility of the state and territory governments, the PFA believe that such a federal inquiry may be somewhat limited as to what can be mandated.

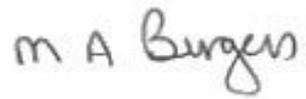
Referring the mental well being of first responders to become a standing agenda item at COAG is a good start to raise the issue to that of national importance and to endeavor to attain a holistic national approach on behalf of all first responders.

However, the federal government does have direct responsibility over the issue of superannuation preservation age. Therefore, recommending ensuring legislation will allow police to continue to access their superannuation entitlements from age 60, will allow our members to retire with dignity.

As mentioned within this submission, there are several other national issues that the Committee could make recommendations government on that would assist police and other first responders, who are suffering from physiological injuries, including access to Veteran Health Cards, a national service provider for the treatment of officers and expedient coronial inquiries as well as presumptive and provisional acceptance of worker's compensation claims for psychological injuries.

The PFA recognizes that there is no one solution to the issues of mental health. Recommending some of the afore mentioned would go a long way in removing the stigma around mental health and assist those who are finding things tough.

The PFA thanks the committee for their interest in the mental health of their members and would welcome an opportunity to appear before the Inquiry at a public hearing.

A handwritten signature in black ink that reads "m A Burgess". The signature is written in a cursive, lowercase style.

**Mark Burgess APM**  
**Chief Executive Officer**

## ANNEXURE A

### REPORTS INTO WELFARE BY POLICE SERVICES

Most jurisdictions have undertaken a review/report into the well-being of officers in which mental health has played a pivotal role. While it is not the intent of this paper to assess each of those reports/reviews, a list is provided below:

#### **AFP:**

Cultural Change report

<https://www.afp.gov.au/sites/default/files/PDF/Reports/Cultural-Change-Report-2016.pdf>

#### **Victoria:**

Mental Health Review

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/VIC/2016-Mental-Health-Review.pdf>

Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 Final Report

[file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/VIC/FSBSC\\_58-02\\_Text\\_WEB%20presumptive%20compo%20final%20report.pdf](file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/VIC/FSBSC_58-02_Text_WEB%20presumptive%20compo%20final%20report.pdf)

TPAV submission to the Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/VIC/Trauma%20doesn't%20end%20when%20the%20shif%20does.pdf>

#### **South Australia:**

Inquiry into work related mental disorders and suicide prevention.

[file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/SA/CR2016331-ParliamentaryCommitteeReportintoWorkRelatedMentalDisordersandSuicide%20Prevention\(20161205\).pdf](file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/SA/CR2016331-ParliamentaryCommitteeReportintoWorkRelatedMentalDisordersandSuicide%20Prevention(20161205).pdf)

Submission to the Inquiry into work related mental disorders and suicide prevention by Professor A McFarlane, AO

[file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/SA/CR2016179-SubmissionbyProfACMcFarlane\\_ParliamentaryCommonOSR&C-Workrelatedmentalhealth\(20160728\).pdf](file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/SA/CR2016179-SubmissionbyProfACMcFarlane_ParliamentaryCommonOSR&C-Workrelatedmentalhealth(20160728).pdf)

Response to the Parliamentary Committee's report – Inquiry into work related mental disorders and suicide prevention.

[file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/SA/20170804-LtrfromJohnRauDPtoHonStephKey\\_ReInquiryintoworkrelatedmentaldisordersandsuicideprevention.pdf](file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/SA/20170804-LtrfromJohnRauDPtoHonStephKey_ReInquiryintoworkrelatedmentaldisordersandsuicideprevention.pdf)

Parliamentary Committee on Occupational Safety, rehabilitation and compensation. Mental Health in the Workplace.

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/SA/Parliamentary%20Committee%20on%20Occupational%20Safety,%20Rehabilitation%20and%20Compensation%20-%20corrected%20copy%20-%20Hansard%20from%2029%20October%202015%209.20am.pdf>

**NSW:**

NSW Audit- General's Report

*Preventing and managing worker injuries; NSW police Force and Fire & Rescue NSW, 2016.*

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/NSW/Auditor%20General%20-%20Preventing%20and%20Managing%20Injury.pdf>

NSW Legislative Council Portfolio Committee No.4 – Legal Affairs,

*Inquiry into Emergency Services Agencies*

NSW Police Submission:

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/NSW/0080%20NSW%20Police%20Force.pdf>

PANSW Submission:

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/NSW/PANSW%20Submission%20to%20Parliamentary%20Inquiry%20re%20Bullying.pdf>

Report on Justice 2017

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/NSW/Auditor%20General%20-%20Justice%202017%20Final%20Report.pdf>

*Expert Guidelines: Diagnosis and treatment of post-traumatic stress disorder in emergency service workers.*

<file:///P:/POLICING/Mental%20Health/2018/Inquiry%20into%20Mental%20Health%20of%20First%20Responders/NSW/Guidelines%20for%20Diagnosis%20and%20Treatment%20of%20PTSD%20in%20Emergency%20Service%20Workers.pdf>

**WA:**

Community Development and Justice Standing Committee 2016

*How do they manage? An investigation of the measures WA has in place to evaluate management of personnel*

[http://www.parliament.wa.gov.au/parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/05884E20196149E748257F800006E648/\\$file/47436699.pdf](http://www.parliament.wa.gov.au/parliament/commit.nsf/(Report+Lookup+by+Com+ID)/05884E20196149E748257F800006E648/$file/47436699.pdf)

*Project Recompense*

WAPU 2014

[https://www.wapu.org.au/images/ReportsSubmissions/WAPU\\_ProjectRecompenseOnline2.pdf](https://www.wapu.org.au/images/ReportsSubmissions/WAPU_ProjectRecompenseOnline2.pdf)