



2011-2012 ANNUAL REPORT





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AFFILIATES

| BRANCH | MEMBERSHIP Nos. @ 31/12/11 Rule 14 (d) | NO. OF DELEGATES |
|---------------------------------|---|---------------------|
| Australian Federal Police Assoc | 4,061 | 3 |
| New South Wales | 16,251 | 8 |
| Northern Territory | 1,364 | 2 |
| South Australia | 4,616 | 3 |
| Tasmania | 1,217 | 2 |
| Victoria | 12,680 | 6 |
| Western Australia | 5,761 | 3 |

Rule 14 (b) "The number of delegates in each Branch shall be determined on the basis of one delegate for the first one thousand (1,000) financial members or part thereof, and one additional delegate for each succeeding two thousand five hundred (2,500) financial members or part thereof".

ASSOCIATES

| | MEMBERSHIP |
|--------------|---------------|
| Queensland | 10,671 |
| TOTAL | 56,621 |

OFFICE BEARERS

| | |
|--------------------------|--|
| President | Vince Kelly (Northern Territory) |
| Vice President | Jon Hunt-Sharman (Australian Federal Police Association) |
| Vice President | Mark Carroll (South Australia) |
| Treasurer | Randolph Wierenga (Tasmania) |
| Executive Members | Scott Weber (New South Wales) |
| | Phil Pearson (Victoria) |
| | Russell Armstrong (Western Australia)(resigned 18 June 2012) |
| | George Tilbury (Western Australia)(appointed 18 June 2012) |
| Associate Members | Ian Leavers (Queensland) |



LIFE MEMBERS

Leon Kemp

Peter Alexander

Mark Burgess

STAFF

Chief Executive Officer

Mark Burgess

Office Manager

Debbie Martiniello

Senior Policy and Research Officer

Dianne Gayler

Project Officer

Angus Skinner



MEETINGS CONDUCTED

Federal Council:

7 and 8 November 2011 *Brisbane, QLD*

Special Federal Council:

18 June 2012 *Canberra, ACT*

Executive:

6 November 2011 *Brisbane, QLD*

13 and 14 February 2012 *Canberra, ACT*

18 and 19 June 2012 *Canberra, ACT*

17 September 2012 *Canberra, ACT*

Special Executive Meeting:

9 October 2012 *Teleconference*

Industrial Planning Committee:

30 November and 1 December 2011 *Sydney, NSW*

20 March 2012 *Canberra, ACT*

10 and 11 July 2011 *Canberra, ACT*

Women's Advisory Committee:

29 and 30 November 2011 *Sydney, NSW*

29 and 30 May 2012 *Canberra, ACT*



PRESIDENT'S REPORT

It is my privilege to provide my 2012 Annual Report marking the end of my fifth year as elected President of the Police Federation of Australia (PFA). At a time when many commentators are rejoicing in the demise of the Union movement our Branches continue to achieve density levels of almost 100% - we are the envy of many other Unions.

This fact combined with increases in police numbers in some jurisdictions has contributed to an increase in the membership of the PFA by 1,052 members – We are now the national voice of 56,621 Police Officers across the country.

Of course this level of density should not be taken for granted by our elected leaders nor should we presume we are immune from sustained attacks on public sector unions and workers, including Police Unions, in the United States, Europe, the UK, Ireland, or indeed here in Australia.

Another challenge for our Federation is to ensure we are not subject to the breakdown in governance that has occurred in at least one area of the union movement. I will return to these themes later in my report.

Earlier this year long serving Western Australia Branch President, Russell Armstrong, was unsuccessful in his bid for re-election to the WA Police Union Board. Russell accepted the outcome of the electoral process with the good grace of a man who has committed his working life to union members.

Of course in every electoral process there is a winner and I take this opportunity to congratulate George Tilbury who was elected President of the Western Australian Branch. Our CEO and I are already working closely with George and I am confident that the "West" will continue to support our national efforts.

In November 2011 I paid tribute to the outgoing Victorian Police Association President Brian Rix – the international bike odyssey continues. At that time the electoral process in Victoria was ongoing. I now take this opportunity to congratulate Phil Pearson on his election in 2011, and re-election in September this year, to the position of President of that branch. We look forward to

working closely with Phil on national issues many of which have a direct influence on industrial relations in Victoria.


Last year I welcomed Angus Skinner as a part-time member of the PFA staff. In the past 12 months Angus has joined us full-time and the Annual Report will show how much we've been able to achieve in that time in the development of a comparative data library. This information has been invaluable in assisting Branches in dealing with complex issues in their home jurisdictions by having at their immediate disposal comparative information across every jurisdiction in Australia as well as a significant amount of overseas data. This is the only repository of this type of information in Australia.

During 2011 the PFA had convinced the Government and Opposition to jointly support a Senate Inquiry and a Public Safety Mobile Broadband Steering Committee, chaired by Deputy Secretaries of the Attorney-General's Department and the Department of Broadband Communications and the Digital Economy. This Report contains details of the outcomes of the Senate Committee, which strongly supported the PFA's position on this issue. By the end of November this year we expect that the Steering Committee will have also reported to the Standing Council on Police and Emergency Management (SCPEM).

I remind everyone, that none of this would have happened without the hard work of the PFA. If we can achieve the right outcome in this issue, it will be one of the biggest technological advances in policing and public safety in a generation.

Once again I acknowledge the work of the Parliamentary Friends of Police Group. In particular I acknowledge the work of Labor MP, Chris Hayes, the Member for Fowler and Chair of the Parliamentary Joint Committee on Law Enforcement and Tasmanian Liberal Senator, Steve Parry, Deputy President of the Senate for keeping this important Group active.

The 2012 Wall to Wall Ride for Remembrance was again a great success with 1,200 riders from every jurisdiction in Australia descending on Canberra on Saturday



15 September. This event has now become a permanent feature on the national calendar and I thank all those whose efforts make this great event possible.

The PFA is the “National Voice of Policing”, no other group can claim that title. This would not be possible however without the significant contribution made by Branches to the operations of the PFA. I thank them for their ongoing support. To my Presidential colleagues, likewise my sincere thanks.

I maintain that the good will and cooperation across our eight (8) Branches, is an example that many others in a federated regime could aspire to emulate. While we all pursue with vigour individual Branches issues we retain the capacity to reach consensus in the best interests of ‘Australia’s Police’. The leadership and maturity displayed by our elected leaders and appointed officials in this area is an example to other “National” organisations. Our maturity in the way we do business is second to none.

Earlier in my report I made reference to the challenges facing the union movement because of the alleged behaviour of some union officials in one union. This conduct will lead to further regulation of the governance of all unions.

I am confident that the governance and financial accountability policies of the PFA, and each of our Branches and Affiliates, ensures that we do not fail our members. In my view we as Police Unions have an even greater responsibility to lead by example.

For that reason we have recently asked the former Attorney-General of Australia, the Hon Robert McClelland, to review the PFA rules and policies, specifically as they relate to financial governance and advice on any ways we could tighten our financial controls and oversight. As police we are very conscious of the way we use members’ money.

The next 12 months will again be very challenging for us. A federal election will be conducted in 2013 in a tightening fiscal climate in the federal and all State and Territory jurisdictions.

The PFA will continue to pursue the key national issues we have identified, including:-

- a fair superannuation deal for police;
- Fair Work Australia and its impact on police;
- workers compensation;
- occupational health and safety;

- taxation (salary sacrifice);
- serious and organised crime and the proceeds of crime;
- national police workforce planning; and
- collaborative purchasing – police uniforms and equipment.

These are specific challenges, however, earlier in this report I alluded to sustained attacks on public sector unions and workers, including Police Unions, in the United States, Europe, the UK, Ireland, and indeed here in Australia.

I believe that there is a realignment of public and political opinion occurring in this country driven by shallow political leadership and non-existent policy discussion.

Our Associations and Unions are at a high point and it is up to current and future leaders to ensure that we consider how to maintain this position in a dynamic, changing and evolving workplace and world. Police Associations and Unions in Australia have been highly successful over the last 30 years delivering real and significant improvements to members’ salaries, entitlements, and conditions of service.

The Australian economy is touted as a “miracle” economy when compared to the United States, Europe, Great Britain and Ireland. While the Australian industrial and economic environment is different to that of the United States and these other economies there are real similarities emerging in the approach of Australian Federal, State and Territory Governments – (conservative, liberal, and “labour friendly”) to blame public sector workers (and by extension public sector unions) for the economic problems of various national economies and focusing cost shifting measures on public sector employees.

Australia is entering a tighter fiscal environment. In a Police Union context we must ensure that our salaries and entitlements deliver on members’ reasonable expectations while educating our members to accept a new reality.

It would be folly for our leadership to allow our 56,621 members to believe that because of the unique nature of our profession government will simply acquiesce on all issues.

Our challenge is to work with government and police management to ensure our workplace practices are efficient and sustainable. It would also be folly to



presume because of the unique nature of our profession that we are immune from hard economic decisions being made by governments of any political persuasion that will impact on our members.

In New South Wales the Liberal Government (conservative) removed death and disability protections for Police Officers in the face of strong opposition from the NSW Police Association. In Tasmania a minority Labor Government is downsizing that State's Police Force again in the face of strong ongoing opposition by the Tasmanian Police Association and as recently as October this year the WA conservative government announced slashes to the police budget – this in our “boom” State.

These government decisions are driven at their core by economic and, perhaps more importantly, political judgments that the public will support such cuts even for the police.

As highlighted by USA and Texas Police Unionist, Mr Ron De Lord, - Police and other Public Sector Union leaders must identify the political and financial reality that is emerging, adapt to the new realities, develop new tactics, and be flexible enough to survive and continue to deliver on behalf of our members and the communities. Adaptability and flexibility is not surrender.

Finally, all of our achievements would not be possible without the efforts of our dedicated staff with the support of their families.

Our CEO, Mark Burgess continues to provide a level of leadership and strategic thinking that ensures we remain relevant in the debate on national policing issues. The Executive recently extended Mark's contract for a further three years and I look forward to working closely with Mark over the next three years.

Dianne Gayler continues to ensure that the detailed submissions and commentary the PFA makes to a wide range of parliamentary committees and on the public stage are of the highest standard, in particular Dianne's knowledge of the radio spectrum issue is extraordinary.

Debbie Martiniello continues to provide the highest level of support to our CEO, Presidents, and PFA Committees. The CEO recently observed that we still get things done when Debbie is on leave but we do not make too many big decisions.

Angus Skinner, the matrix man, has as I have indicated earlier drawn together an extraordinary amount of information that no other organisation can match.

Please take the time to examine the achievements outlined in our Annual Report – The Police Federation the National Voice of Policing.

Vince Kelly, APM
President





CHIEF EXECUTIVE OFFICER'S REPORT



PARLIAMENTARY INQUIRIES

Review Of The Fair Work Act 2009

In February 2012 the PFA made a submission to the Review of the *Fair Work Act 2009*.

Our submission focused on a number of key issues raised in a Background Paper produced by a Fair Work Review Panel appointed by the Government. They were –

- Australia's international labour obligations;
- the impact of referral legislation;
- prohibited content;
- good faith bargaining; and
- scope orders.

In June the Government released the Panel's evaluation of the legislation based on responses to the Background Paper.

At the time of compiling this Report the Government has yet to respond to the Panel's evaluation.

Inquiry into the Gathering and Use of Criminal Intelligence

In the line of duty, police are faced with many unknowns in the situations that they must respond to. Does a person they are interacting with have a criminal history? Has a vehicle they are pulling over been involved in the commission of an offence? Could a property they are called out to be a drug lab? There are enough unknowns without the various police forces and other law enforcement agencies not sharing with each other the criminal intelligence that they do know.

The PFA was invited by the Parliamentary Joint Committee on Law Enforcement to make a submission to the Inquiry into the gathering and use of criminal intelligence.

The PFA called for the facilitation of the free flow of criminal intelligence between government agencies. This would be with the ultimate aim of creating a one stop shop for the complete criminal intelligence picture, although in



the short term there are opportunities to establish national holdings of data on specific criminal trends, such as:

- a centralised repository of clandestine laboratory information, which is already in use, should be expanded to provide an amalgamation of drug seizure information to form intelligence on drug distribution patterns;
- COAG recently supported the development of a 'national firearms identification database'; and
- the creation of the national number plate recognition system.

These data holdings provide the opportunity to create successful sharing models that may then, in the future, form the building blocks for the one-stop-shop for criminal intelligence.

The main obstacles to the free flow of criminal intelligence are:

- lack of mandatory sharing obligations: agencies are reluctant to contribute their intelligence to shared holdings if they cannot be certain that they are getting the same level of contribution back from other agencies. A single, consistent standard of contribution will ensure equal commitment to contributing, and foster a culture of collaboration. The PFA therefore proposed the development of uniform sharing obligations; and
- capabilities of current intelligence databases: current intelligence databases do not use the most up-to-date technology. The PFA called for the provision of the resources necessary to rectify this. This will create the functionality and security needed to underpin effective data sharing capabilities.

Following up on our submission, the PFA was invited to appear in person before the Committee to give evidence. The Committee seemed very receptive to PFA proposals and we eagerly await the Committee's Report.

Living Away From Home Allowance: Review of the Tax Laws Amendment (2012 Measures No. 4) 2012

In July 2012 we made a submission to the above Review conducted by the House Economics Committee. We based our submission on what we argued would be unintended consequences of the proposed legislation for our members.

We subsequently attended a roundtable meeting at Parliament House where many of the issues we raised in

our submission were discussed. During this process we also liaised closely with the ACTU as we had concerns that what was being proposed in the Review had potential unintended consequences for other unions. Our concerns were verified during the process and other unions began raising concerns.

In mid-August the Committee issued an Advisory Report which picked up our key concerns and those of other unions. The Amendment Bill was subsequently reintroduced in an amended form addressing our concerns.

Unexplained Wealth Legislation

Organised crime is motivated by money. Serious and organised crime is estimated to cost Australia \$15 billion each year. The PFA therefore believes that an effective way to combat organised crime is to target the wealth criminals obtain through their criminal activity, by confiscating the proceeds of crime. A major difficulty however, is that the Mr. Bigs of the crime world are able to profit from criminal enterprise without themselves being directly involved in the commission of offences. They sit at the top of criminal hierarchies, and proceeds flow up the chain while criminals lower down the hierarchy physically commit the crimes. Traditional confiscation methods are therefore inadequate to target the wealth of the Mr. Bigs of the crime world, because they only confiscate wealth that can be traced to the commission of an offence.

The PFA was invited by the Parliamentary Joint Committee on Law Enforcement to make a submission to the Inquiry into Commonwealth unexplained wealth legislation and arrangements.

The PFA strongly believes that 'unexplained wealth' provisions would be a significant tool to overcome the problem. Unexplained wealth provisions would be effective because they confiscate assets based on an inability to demonstrate their lawful origins, rather than the investigator's ability to demonstrate their link to a specific predicate offence.

Police only want these provisions to target the wealth of serious crime figures. They are not intended to force anyone and everyone to explain where they got their money. The PFA therefore proposed that a minimum value be set on what orders could be sought, to ensure that only the Mr. Bigs were targeted by the mechanism.

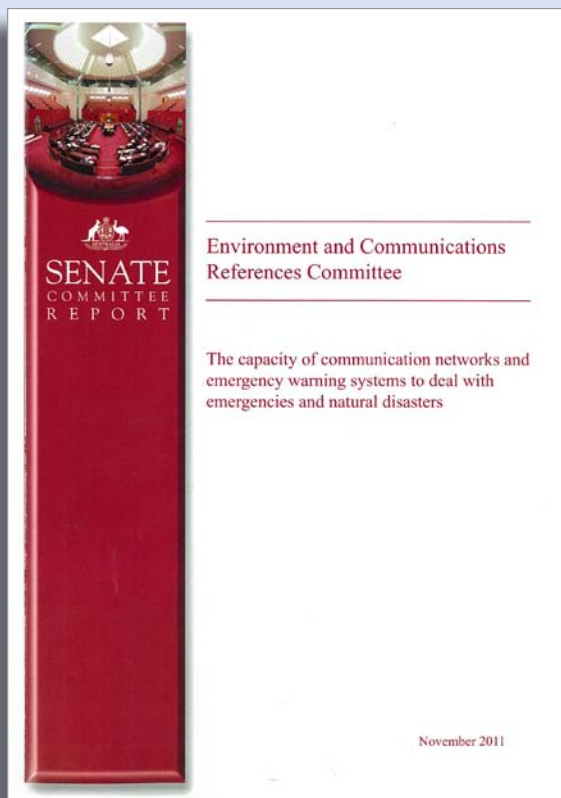


The PFA called for the creation of a truly national system of unexplained wealth provisions. Only a national approach is adequate, as this is the only way to constitutionally eliminate the need to establish a predicate offence. It also closes the net on criminal enterprises, giving them no jurisdiction in which to hide.

As well as making a submission, the PFA gave evidence in person before the Committee.

Emergency Communications and Spectrum: Senate Environment and Communications References Committee Inquiry

In the 2010-11 Annual Report we reported at some length on our campaign to have the Australian Government reserve radio spectrum for police and emergency services so that they have interoperable mobile broadband communications. As we said, this is a matter of vital national interest which is critical to public safety. In 2011 we made a number of submissions to the Senate Committee inquiry on the subject and gave extensive evidence to the Committee.



It is clear that our evidence persuaded the Committee of the merits of our case. The Committee reported in November 2011 and recommended that 'the Commonwealth Government allocate sufficient spectrum for dedicated broadband public protection and disaster relief (PPDR) radiocommunications in Australia'. It also recommended that the communications network provide for interoperability between Australian emergency services organisations and with overseas counterparts.



In following up on this important matter, we have urged Senator Stephen Conroy, Minister for Broadband, Communications and the Digital Economy and Nicola Roxon, Attorney-General and Minister for Emergency Management to implement the Committee's recommendations. The government's Public Safety Mobile Broadband Steering Committee is due to report shortly to the Ministers and to the Standing Council on Police and Emergency Management (Police and Emergency Management Ministers) and the Council of Australian Governments.

Four State Premiers have also joined the campaign on this issue and have written to the Prime Minister urging that the matter be resolved. Most recently, the Police Federation wrote to the Prime Minister pressing for 20 MHz of spectrum to be allocated for a national public safety mobile broadband network.



Police Federation of Australia

The National Voice of Policing

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23 August 2012

The Hon Julia Gillard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

As you may know, the Police Federation of Australia (PFA), representing the nation's 56,000 police officers, has a vital interest in securing radio spectrum so that Australia's public safety agencies have mobile broadband communications capability for the future. We have been campaigning on this important national issue for two years.

We are very pleased that the recent Senate Committee report into emergency communications unanimously recommended that 'the Commonwealth Government allocate sufficient spectrum for dedicated broadband public protection and disaster relief (PPDR) radio-communications in Australia' (Senate Environment and Communications References Committee Report, November 2011).

As you may know, the USA White House, on 21 February 2012, announced that it would authorize spectrum and fund a national network for emergency first responders. The network, called FirstNet, is now being established.

In Australia, we understand that the Public Safety Mobile Broadband Steering Committee established by the then Attorney-General and Senator Conroy in 2011 has been examining the issues involved in securing spectrum for public safety across Australia. The Standing Council on Police and Emergency Management is shortly to consider this matter.

Meanwhile, the Premiers of NSW, Victoria, Queensland and Western Australia wrote to you on 30 July 2012 proposing that your Government allocate a minimum of 20 MHz of spectrum for emergency services. This is in line with the Senate Committee recommendations. We understand the Labor State and Territory leaders also support the need for this spectrum for mobile broadband communications.



Prime Minister, we consider this to be a matter of such national significance that it should not be left to the Australian Communications and Media Authority to determine whether spectrum is allocated for public safety agencies, and if so, how much is allocated.

We appeal to your Government, in the national interest, to make an early public commitment to allocate 20 MHz of radio spectrum for a national public safety communication network.

The PFA President, Vince Kelly and I would appreciate an opportunity to discuss this matter with you at your convenience.


Yours sincerely

A handwritten signature in dark ink, reading 'Mark Burgess'.

Mark Burgess
Chief Executive Officer

Cc: Senator Conroy, Minister for Broadband, Communications and the Digital Economy

Nicola Roxon, Attorney-General and Minister for Emergency Management



‘Fly-In Fly-Out’ Workforce Practices in Regional Australia: House of Representatives Standing Committee Inquiry

In late October 2011 the PFA made a submission and appeared before this Inquiry. The PFA was the first group to appear before this Inquiry at its first Hearing. It is a long term Inquiry and at the time of compiling this Report, the Committee is still taking evidence and as such has not yet reported.

In our submission we identified a number of issues from the Committee’s Terms of Reference that also had a specific impact on police –

- the effect of a non-resident FIFO/DIDO workforce on established communities, including community wellbeing, services and infrastructure;
- the impact on communities (of) sending large numbers of FIFO/DIDO workers to mine sites;
- provision of services, infrastructure and housing availability for FIFO/DIDO workforce employees;
- strategies to optimise the FIFO/DIDO experience for employees and their families, communities and industry; and
- current initiatives and responses of the Commonwealth, State and Territory Governments.

We also made a number of other observations in our submission including –

- currently police officers do not have the luxury of being part of a FIFO/DIDO workforce;
- current policing strategies are predicated on ‘community policing initiatives’ and as such, police officers are expected to be domiciled in, and become part of, the community in which they serve;
- the role of the local police officer in a rural, regional or remote community is far more than simply a ‘law enforcer’. There are numerous examples of where police officers use their expertise to work on establishing strong community interaction through local community policing initiatives. This includes assisting to resolve local conflicts and engaging in crime prevention activities with local youth;
- in many FIFO/DIDO locations, the cost of housing, family essentials (groceries and other services) and other infrastructure is extremely expensive.

This places a great financial burden on police officers and their families, as well as their respective state/territory police departments/governments. For example, the extra competition for housing, owned or rented, pushes up the price of housing for police officers and other service providers in the community;

- where large sections of the community are FIFO/DIDO workforces, it becomes far more difficult to create a sense of community for those who are domiciled in such locations;
- by and large police officers cannot earn anywhere near the amount of income that mine employees receive. It therefore becomes difficult at times for police departments/governments to retain these members as many seek higher incomes by resigning from the police service and taking up mine employment;
- if there was a major change in the current FIFO/DIDO practices in remote mining towns to a more permanent population, it would require additional infrastructure and community services in those towns as the “permanent” population expands – this would mean a bigger police presence in those towns over time as the towns become a larger meeting point for social purposes – entertainment, medical services, domestic interaction, etc. If that was the case, then governments would need to be mindful that if incentives are going to be introduced to encourage population migration to regional centres over the medium to long term, the expansion of local communities over time must also include a built-in capacity, based on “scientific” or evidenced based methodology, to increase in community support infrastructure – including an appropriate increase in the police presence in those towns - over time; and
- the difficulty of attracting and retaining police (and I’m sure other essential service workers) in these locations.

SUB-COMMITTEES

Professionalisation

The PFA has continued to pursue the issue of the full professional status for members, as a key priority.

As reported in last year’s Annual Report, we supported the Australasian Police Professional Standards Council (APPSC), on which the PFA and NZPA sit as equal



members with Police Commissioners, to take the lead role in the pursuit of professionalisation of policing. In that process we have been engaged in a range of initiatives through the APPSC with the Australia and New Zealand Police Advisory Agency (ANZPAA). A decision was taken by the PFA Executive in February 2012, in conjunction with the New Zealand Police Association, to contribute financially to the development of the Police Practice Standards Model (PPSM) through APPSC. By funding the process it gives the PFA and the NZPA a much greater say in the direction of the professionalisation debate. That includes our direct involvement in the ANZPAA Professionalisation Forum.

National Industrial Issues

Review of the Fair Work Act 2009:

See Parliamentary Inquiries section above.

Fair Work (Registered Organisations) Amendment Act 2012:

The *Fair Work (Registered Organisations) Amendment Act 2012* amended the *Fair Work (Registered Organisations) Act 2009* to: require that the rules of all registered organisations deal with disclosure of remuneration, pecuniary and financial interests; increase civil penalties; strengthen the investigative powers of Fair Work Australia; and require education and training to be provided to officials of registered organisations about their governance and accounting obligations.

At its June Executive meeting the Executive determined to seek legal advice on the Amendment Act to ensure that the Rules and Policies of the PFA and its Branches comply with the Act.

At the time of compiling this Report that advice is being developed.

Member Services

The PFA has made slight headway on developing a greater national approach to Member Services issues. Many Branches have been developing member benefits over the past 12 months.

Most branches are now using a corporate travel provider to access the PFA's negotiated Qantas discounts. The Qantas offer has now been in place for almost twelve months and at the time of writing this Report, the

PFA and participating branches were on track with projected corporate travel spend and it is our intention to negotiate further discounts and incentives for Branch Executive Members and staff following the completion of this period. We are now also entering discussions with the travel provider to be able to enable Branches to offer members access to discounts for personal travel.

Policy

We have continued to update the PFA's Administration and General Policies over the past 12 months.

In view of the *Fair Work (Registered Organisations) Amendment Act 2012* our Administration policies will be externally reviewed to ensure that they meet strict governance requirements.

National Deployment Issues

Over the past 12 months we have continued to lobby to have a 'stand-alone' piece of legislation for police serving overseas following the release of the Report of the "Review of Military Compensation Arrangements".

Whilst we have remained critical of Chapter 27 of that Report "Coverage for Australian Federal Police", we do support the recommendations –


"Australian Federal Police members not be given access to the MRCA" (Military Rehabilitation Compensation Act).

Currently police are covered by an AFP Commissioner's Determination under Section 40H (2) of the *Australian Federal Police Act 1979*. That determination currently gives AFP members deployed overseas in high risk missions, equitable workers' compensation and rehabilitation coverage with defence force personnel.

Regardless of the positives of that Determination, our long term strategy is a 'stand-alone' piece of legislation.

Superannuation and Taxation

There were a few major developments during the year in relation to federal taxation or superannuation matters, the most notable being halving to \$25,000 per annum that workers can contribute to their superannuation fund and still receive concessional tax treatment. This was done to pare back Federal concessions from the Budget and to make the concessions more equitable between high and lower income groups.



The PFA continues to keep a close watch on further proposals to change taxation and superannuation arrangements to the detriment of people in the income bands that police generally earn. The good news is that the Government is phasing in, over a number of years, an increase in the Superannuation Guarantee (SG) paid by employers from 9 to 12%. This will benefit police in a number of jurisdictions who do not already receive a 12% SG.

At the same time some economic commentators are calling for the superannuation preservation age to be increased from 60 years to 62 years, or even to 67 years. This is the age at which a person has access to their superannuation savings and can begin to draw on those assets. Those who oppose the 60 year preservation age argue that it should be lined up with the aged pension age which is being increased to 67 years of age. This is designed to reduce future aged pension spending by the Federal Government. This is at odds with the PFA's longstanding view that police officers should be able to retire and access their superannuation savings at a younger age (preferable age 55 years) because of the rigors of policing and the practical difficulties of having older police engaged in frontline policing. We will continue to monitor developments and proposals for change which would disadvantage police officers and make submissions accordingly.

The other change in taxation arrangements during the reporting period related to living away from home allowances which is reported earlier on above.

Occupational Health and Safety and Workers' Compensation:

The Occupational Health and Safety Sub-Committee had a very busy 2011-12 with Russell Armstrong, WA in the Chair until his retirement. Phil Pearson from Victoria took over as Chairman upon Russell's retirement. The Sub-Committee had three face-to-face meetings and two teleconferences during the year and on a number of occasions the views of sub-committee members were sought on draft documents. The focus of the years' work was on risks in policing and how they should be reduced.

A number of jurisdictions have remained outside the supposedly harmonised 'national' model work health and safety legislation, namely Western Australia and South Australia.

Code of Practice for Managing Risks in Policing

Last year we reported that ANZPAA had initiated work on a Code of Practice: Managing Work Health and Safety in Policing and engaged the PFA in developing such a Code.

The PFA was not satisfied with the ANZPAA proposal so, with the assistance of the OH&S Sub-Committee members from each State and Territory and a consultant with OH&S expertise, we developed our own draft document which overcame the problems of the earlier draft and injected more practical guidance with policing examples.

Safe Work Australia, the peak national OH&S regulator, suggested to us that the document would be best pursued as a national guide under the model *Work Health and Safety Act*, rather than as a formal Code of Practice which would require a Regulatory Impact Statement and lengthy consultation process. The PFA Executive rejected that suggestion and resolved to proceed by way of a Code of Practice, which could eventually become a Code endorsed by Safe Work Australia and have statutory status under the *Work Health and Safety Act*.

We consider the draft Code produced by the PFA to be a significant PFA and OH&S Sub-Committee achievement in the 2011-12 reporting period. The PFA plans to release the Draft Code at the November 2012 PFA Federal Council meeting as the Code supports the protection of police members across Australia. The Code will eventually go to Safe Work Australia for consultation with all jurisdictions and eventual endorsement as an official work health and safety Code for police services across Australia aimed at reducing the incidence of workplace injury and illness for police officers. It is very likely that the Code will be a world first for policing, since we are not aware of any comparable statutory Code elsewhere in the world.

Workers' Compensation

There has been no change this year as far as national or federal workers' compensation arrangements are concerned. Talk of harmonisation of workers' compensation across the nation has stalled due in part to the difficulties that have dogged harmonisation of worker health and safety regimes and continuing employer and business agitation regarding the national Fair Work Act and regime.



Industrial Planning Committee (IPC)

As reported, the IPC has met on three (3) occasions in the past 12 months - 30 November and 1 December 2011 in Sydney, 20 March 2012 in Canberra and 10 and 11 July 2012 in Canberra. The November 2011 meeting contained a joint session with the Women's Advisory Committee (WAC).

The IPC sub-committee dealt with an array of matters including a number of issues that crossed over with the OH&S and Workers Compensation sub-committee as well as the Women's Advisory Committee (WAC). Matters dealt with include –

- Police at Work Report (see page 26)
- hours of work
- solo patrols
- national income protection
- Tasers
- wide load escorts
- patrol streaming
- Australian Bureau of Statistics research
- work and family bargaining
- regional incentives
- auxiliary officer roles
- management intervention models
- use of force reports
- protection for members exposed to bodily fluids
- child care
- taxation issues
- Productivity Commission reports
- PFA website.

The IPC continues to direct and assist the PFA in developing its comparative data library. The current portfolio of matrixes includes:

Industrial Matrixes

Discipline and Conduct

- Disciplinary Action
- Drug and Alcohol Testing
- Integrity Mechanisms
 - Integrity Monitoring
 - Integrity Tests
- Termination

Family and Lifestyle Balance

- Part Time
- Parenting and Policing
 - Pregnancy and Policing
 - Parental Leave
 - Return to Work

Legal Issues

- Civil Liability Protection
- Legal Assistance
 - Association Assistance
 - State Assistance

Personnel and Equipment

- Rank Distribution: Head Count
- Secondment to Union Positions
- Second Tier Policing
- Uniforms and Equipment

Salary, Conditions and Entitlements

- Allowances
- Base Salary
- Leave
- Long Service Leave
- Remote Area Incentives
- Shifts and Rostering
- Superable Income
- Transfers & Tenure
 - Transfer Assistance
 - Tenure
 - Lateral Entry for Commissioned Officers

OH&S Matrixes

Risks in Policing

- Offences for Assault on Police
- Single Officer Units
- Minimising Contamination
 - Testing of offenders after possible contamination
 - creating a model clause

Workers' Compensation

- Assistance for Families when Officer Killed on Duty
- Assistance for Officer Injured on Duty
- Injuries that Occur Away From Workplace

Legislative Framework

- Duties
- Representation
- Inspector Powers
- Monitoring by Authority
- Compliance Mechanisms

Return to Work From Injury

- Legislative Obligations
- Procedures: AFP, NSW, NT, NZ, Qld, SA, Tas, Vic, WA
- Stand out Practices

Policing Systems

- Police Pursuits
 - Offences
 - Vehicle Impounding and Confiscation

EB Negotiations

As always, the IPC served as a valuable forum in which Industrial Officers from all Branches could learn from one another's experience in EB negotiations. The IPC was able to identify benchmarks in salary and conditions to better equip Branches at the negotiating table. It also allows Industrial Officers to forecast upcoming trends that have occurred in different jurisdictions and respond to them pre-emptively.

Women's Advisory Committee (WAC)

As reported the WAC has met on two occasions in the past 12 months - 29 and 30 November 2011 in Sydney and 29 and 30 May 2012 in Canberra. The November 2011 meeting contained a joint session with the Industrial Planning Committee (IPC).

At the WAC meeting in Canberra on the 29th May 2012, WAC members met with the Hon Kate Ellis MP, Minister for Employment Participation and Minister for Child Care, at Parliament House. At this meeting the WAC briefed the Minister on the unique childcare needs and difficulties facing Police. The PFA has conducted meetings with Family Day Care Australia about opportunities to work together to better tailor child care around the needs of police rosters and we look forward to providing a further update as this work progresses.



WAC meeting with the Hon Kate Ellis MP, Minister for Employment Participation, Minister for Child Care, at Parliament House, on 29th May 2012.



Like the IPC, the WAC dealt with an array of matters including a number that crossed over with the IPC and OH&S and Workers' Compensation sub-committees. Naturally those issues that had a specific impact on female members found their way onto the WAC agenda:

- female participation in police unions;
- initiatives to encourage greater female participation;
- Branch structures;
- domestic violence;
- pregnancy and parenting in policing;
- OH&S issues;
- lead poisoning from firearm training for pregnant or breast-feeding mothers;
- part-time work;
- superannuation; and
- Keep in Touch programs.

These issues formed the basis for the PFA's development of WAC comparative matrixes.

The WAC matrix portfolio currently contains the following matrixes:

- Domestic Violence Assistance
- Parenting and Policing
 - Pregnancy and Policing
 - Parental Leave
 - Return to Work
- Part-time Policing
- Model Conditions of Employment
- Women's Participation
 - Statistical Analysis
 - Graph – Union participation rates for female officers
 - Women Friendly Union Conditions
- First Female Elected Officials.

The statistical analysis of female participation rates in Police Unions continues as a primary objective of the WAC. They therefore identified key areas of participation in Police Unions (Union Delegates and Executive members) and compared the level of representation of women in these positions to the total percentage of women in the Police Forces.

Having identified a significant discrepancy between police numbers and Union participation, the WAC has set about developing effective strategies to increase female participation rates.

The WAC also saw the recent inclusion of 'domestic violence leave' clauses in some industries' EBs as an important development. The WAC therefore assessed the applicability of these types of clauses to Police, and collaborated with the IPC to consider the industrial issues and implications of various forms of domestic violence leave clauses.

Uniforms and Equipment Sub-Committee

Even though the PFA proposed a National Police Uniform and Equipment Advisory Council to Police Ministers and ANZPAA in 2009, there has been little advancement of this issue as there appears to be a lack of support from police jurisdictions.

The ANZPAA Procurement Committee has been tasked with pursuing the issue on behalf of jurisdictions although it appears their progress has been limited to the sharing of information in respect to procurement contracts. ANZPAA have now formed a Resources Forum in an endeavour to have greater governance over their sub-committee process. Whether this means there will be greater progress on this issue is yet to be seen.

Queensland Branch

We have been working closely with the Queensland Police Union to develop a 'draft' set of rules for the proposed Queensland Branch of the PFA.

As this Report is being compiled a 'draft' set of rules is being vetted by Fair Work Australia and we trust we will be in a position in the very near future to begin the establishment of the Queensland Branch.

International Council of Police Representative Associations (ICPRA)

In March 2012 the PFA was represented at the ICPRA Conference in Baltimore US by President Vince Kelly, Treasurer Randolph Wierenga and CEO Mark Burgess. Queensland Police Union President Ian Leavers also attended.



The Conference was hosted by the Fraternal Order of Police and the following police representative groups, jointly representing in excess of 1.5 million law enforcement officers, were present –

- Fraternal Order of Police, USA
- Federal Law Enforcement Officers Association, USA
- The Police Union in Denmark
- The South African Policing Union
- British Transport Police Federation
- Police Federation of Northern Ireland
- Scottish Police Federation
- Canadian Police Association
- The Kenya Police Union
- New Zealand Police Association
- Portuguese National Police Union
- Police Federation of Australia
- European Confederation of Police.

The Kenya Police Union was granted Associate Membership of ICPRA at the meeting pending its formal recognition and registration as a labour union by the Kenyan government.

This lack of official status in its own country prevents members of the Kenyan Police being able to raise their

legitimate and serious concerns about essential provision of food, water and medical assistance in addition to those of pay and other conditions; particularly arising from police deployment to protect against incursion by the Al Shabaab terrorist group.

Within other ICPRA jurisdictions, several are seeing collective bargaining and/or other labour rights threatened, eroded, or abolished; often in combination with or as part of austerity measures claimed to be in response to global or local economic conditions. Affected jurisdictions include some US jurisdictions, England and Wales, and many European jurisdictions such as Hungary, Greece and Latvia.

A number of keynote speakers, including US Assistant Secretaries of Homeland Security, Alan Bersin and Louis Quijas, highlighted the importance of international connectedness and information sharing in effective law enforcement in the post 9/11 world. These speakers welcomed ICPRA embodying the necessary culture shift and emphasised the central role law enforcement unions and associations need to play in helping promote such a culture shift across law enforcement agencies worldwide.

It was also clear through conference contributions that, in some jurisdictions, moves are being made, apparently in response to the global economic situation, to introduce or increase the use of employees or volunteers who are not fully trained professional law enforcement officers in the delivery of public safety and security.



In respect to professional law enforcement officers the Council –

- recognised that professional law enforcement officers occupy a unique and vital position in society, and are uniquely empowered and scrutinised in the delivery of public safety and security;
- recognised that, in some jurisdictions, there are currently moves to utilise persons other than fully trained professional law enforcement officers in this vital role, despite the risks this poses to public safety; and
- called on government and law enforcement agencies worldwide to ensure only fully trained and accountable professional law enforcement officers are engaged in delivery of public safety and security; and that governments and law enforcement agencies do not undermine public safety by employing people who do not meet the standard of fully trained and professional law enforcement officers.

In respect to collective bargaining and labour rights, the Council agreed that –

- law enforcement officers ought to be entitled to the same civil and political rights as every other citizen in a free and democratic society;
- fair pay and conditions are critical to minimising the risks of police corruption; and
- participation by law enforcement officers in democratic representative associations or unions, and the granting of labour rights to such officers and organisations, is a critical part of fostering a rights culture within the institutions of state which underpins the rule of law, democracy, and social stability: particularly in emerging and young democracies.

As such the Council –

- called on all national, federal, state and local governments to acknowledge universal labour rights, including the right of all workers to freely associate, and the right to bargain collectively: and to acknowledge that law enforcement officers worldwide should also be entitled to these rights;
- deplored moves by governments in some jurisdictions to limit, overturn, or deny labour rights, such as the right to bargain collectively, for law enforcement officers and other workers; and
- supported the Kenya Police Union's efforts to be recognised without delay as a labour union without conditions by the Kenyan Government.

In respect to International law enforcement cooperation the Council –

- recognised that, particularly since the terrorist attacks of September 11, 2001, there has been a growing appreciation of the need for law enforcement agencies to be internationally connected and share information in order to effectively intervene to prevent terrorist attacks and disrupt transnational organised crime;
- recognised that ICPRA, as an organisation representing and comprising of law enforcement professionals which already embodies a culture of international cooperation, has a role to play in helping lead culture change towards greater international cooperation and information sharing in the global law enforcement community at large; and
- called on law enforcement officers and agencies worldwide to embrace the shift towards a culture of cooperation and information-sharing across the international law enforcement community as a cornerstone of future public safety and security.

In respect to social media and the risks it posed to law enforcement officers, the Council –

- recognised that societies worldwide demand higher standards of conduct from their law enforcement officers than they do of the general public or other public employees;
- recognised that the increasing use of Internet technologies across all aspects of life, and particularly social media, means that a great deal more private information is now publicly accessible;
- recognised that law enforcement officers' private information may now be deliberately accessed by other parties who are interested in that information because of the nature of the officer's employment; and
- called on law enforcement officers worldwide to be conscious of the fact that placing personal and private information on the Internet, and particularly engaging in social media, may inadvertently expose them to considerable risks: not only to their professional employment, but also to their safety.

In the Officer elections the following were elected –

Chair - Greg O'Connor
(New Zealand Police Association)

General Secretary - Calum Steele
(Scottish Police Federation)

Treasurer - Chuck Canterbury
(Fraternal Order of Police)

Executive Committee:

Australasia - Mark Burgess
(Police Federation of Australia)

Africa - Mpho Kwinika
(South African Police Union)

Europe - Peter Ibsen
(Police Union of Denmark)

North America - Jon Adler
(Federal Law Enforcement Officers' Association)

United Kingdom & Ireland - Roger Randall
(British Transport Police Federation)

It was agreed that the next ICPRC Council meeting would be held in 2014 in South Africa.

The PFA was asked to continue to host and administer the ICPRC website.

Memorial

During this year the National Police Memorial Board established the Police Foundation with Public Ancillary Fund status to allow events such as the Wall to Wall Ride for Remembrance to gain tax deductibility status.

The Wall to Wall Ride for Remembrance continues to gain status as a major national event. In 2011 1,050 riders registered for the ride and \$60,000 was raised for Police Legacies. In 2012 1,180 riders registered and at the time of compiling this Report the final amount raised is being calculated although it is anticipated it will be substantially greater than the 2011 amount.

This year every jurisdiction was represented with better than expected numbers all riding from their home State / Territory Police Memorial to Canberra to meet at the AFP IDG Facility before riding as one national group to the National Police Memorial for a ceremony to honour our fallen colleagues. NSW Branch President Scott Weber spoke on behalf of the PFA providing those present with an overview of the National Police Memorial and also noting that three historical names will be added to the Memorial on National Police Remembrance Day 2012 and also that of Senior Constable David Rixon who was shot and killed whilst conducting a traffic stop in Tamworth earlier this year.





The Ceremony was followed by a reception at the National Convention Centre attended by over 300 riders, sponsors and invited guests where more funds were raised with merchandise sales and raffle tickets sold before the major prize of a Yamaha motor cycle was drawn. We would like to take this opportunity to thank all the sponsors of this year's Wall to Wall Ride as listed below.

WALL TO WALL RIDE SPONSORS:

PLATINUM

Police Federation of Australia

Sodexo

Yamaha Motor Cycles

GOLD

Police Credit Union

Storage King

Blue Liners Australia

Police Health

Harley Davidson Motor Cycles

NSW Police Association

Charles Sturt University

SILVER

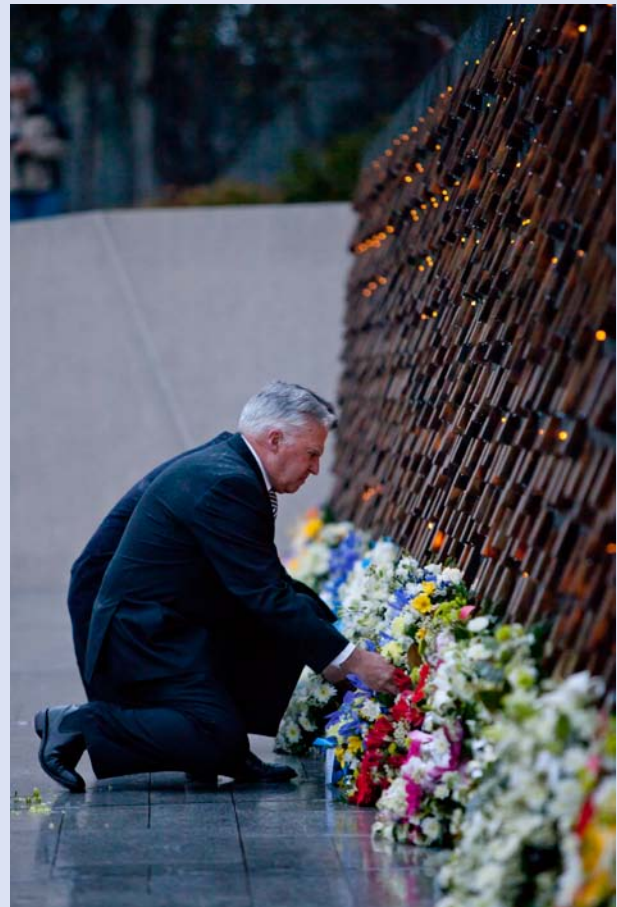
Yamaha Commercial Audio

Stay UpRight

Queensland Police Union

Maxxia





Medals

The PFA continues to play a key role in the issue of Medals awarded under the Australian Honours system for members.

National Police Service Medal (NPSM) –

Following the awarding of the inaugural NPSM in September 2011, as reported on in the 2010-11 Annual Report the PFA has been active in lobbying Government to expedite the roll out of the Medal to the estimated 25,000 current eligible members.

Police Overseas Service Medal (POSM) –

We have continued to lobby the Government to extend the POSM to a range of members and former members who have previously been denied the award for not meeting the medal eligibility criteria.

In July 2012 the POSM regulations were amended to include both peacekeeping and capacity building. They also included recognition of members and former members who had served as part of the Royal Papua New Guinea Constabulary as patrol officers.

We are continuing to lobby Government to ensure that other members who have given appropriate service overseas are duly recognised.

Humanitarian Overseas Service Medal (HOSM) –

As a result of PFA lobbying the HOSM Regulations were amended to allow the HOSM to be awarded to members who worked at the Christchurch NZ earthquake.

National Emergency Medal (NEM) –

The PFA has continued to lobby to ensure that members who are eligible, are awarded the NEM.

Unfortunately to date, too few police have been nominated for the NEM. The PFA has been lobbying relevant jurisdictions to ensure that eligible members receive the award.

National Medal (NM) for some unsworn/semi sworn staff –

The PFA has continued to lobby for a review of the eligibility criteria for the National Medal to ensure that some semi/unsworn members are awarded the NM.

We have specifically written to the Victoria Chief Commissioner suggesting that Protective Services Officers in that state already qualify under the criteria and those members with the required service should be nominated for the award. We have also asked Commissioner's to establish a working party to review other potential eligible groups.

National Alliance for Action on Alcohol (NAAA)

At it's June 2012 meeting the PFA Executive endorsed nominating the CEO to be the PFA's representative on the Executive of NAAA.

NAAA is a national coalition of over 70 health and community organisations from across Australia that has been formed with the goal of reducing alcohol-related harm.



Working Safe in Rural & Remote Australia

A roundtable entitled, *Working Safe in Rural and Remote Australia – Practice and Policy Implications* was convened in Canberra in August 2009. The initiative was the result of collaboration between the Rural Doctors Association of Australia (RDAA), Australian College of Rural and Remote Medicine, Australian Nursing Federation, Police Federation of Australia, Queensland Teacher's Union and Council of Remote Area Nurses Association (CRANA Plus).

A Project Steering Committee comprising representatives from each of the above mentioned organisations is overseeing the project, which is funded by the Department of Health and Ageing (DoHA).

Urbis consulting has been commissioned by the RDAA, on behalf of the Project Steering Committee, to undertake Stage 1 of the project. Stage 1 seeks to lay the foundation for preventing violence and building safer workplaces in rural and remote Australia by:

1. increasing our understanding of current initiatives/strategies and their effectiveness; and
2. developing a national framework for action for a whole-of community response to working safely.

The stage one report that can be found at www.rdaa.com.au (click on Policies and Submissions in the navigations menu). It identifies current strategies and initiatives to prevent workplace violence and, to the extent possible, comments on their effectiveness. It summarises what has been learned in the course of undertaking a literature review as well as primary research comprising key informant interviews and a survey of health professionals, teachers, and police with experience of living and working in rural and remote Australia.

Stage 2 of the Report, which will more specifically focus on point 2 above, is scheduled to commence shortly.

Police at Work

Police at Work is a five-year longitudinal study of Australian police officers from four jurisdictions—NSW, Victoria, the Northern Territory and the AFP. The Branches from these four jurisdictions and the PFA sponsored and funded the research conducted by the Workplace Research Centre from the University of Sydney Business School tracking around 1,000 police officers over that five year period.



Police at Work: Wave Five Report is the final report of the series. It is due to be completed in September 2012 and is to be launched at the PFA Federal Council meeting in Adelaide in November. It will present compelling findings about the nature of police work, the perceived risks of injury and illness from that work, the relationships with and degree of trust in police managers and other important aspects of police workplaces and wellbeing.

We will be able to provide a comprehensive report on the **Police at Work** findings and recommendations in next years' annual report.

Federal Parliamentary Friends of Police Group

The PFA has continued to have a strong working relationship with the Federal Parliamentary Friends of Police Group.

This Group has allowed Members and Senators to mix in both formal and informal settings with police to get first hand information on how the Australian Parliament might best assist policing in this country across all police jurisdictions.

Immigration Issues

Over the past 12 months we have been involved in two specific immigration issues.

In early 2012 we were contacted about some former New Zealand Police Officers now working in Australian Police Forces seeking to gain permanent residency in Australia and being denied residency.

The key issue is that police officers are not listed on the Skilled Occupations List (SOL) as determined by the Australian Workforce and Productivity Agency (AWPA) (formerly Skills Australia), however Commissioned Police Officers are, and as such they are not entitled to gain permanent residency in Australia simply by becoming a police officer here.

We have been investigating ways around the issue.

At the time of compiling this Report we have been advised that the AWPA is looking to update its advice to the Department of Immigration and Citizenship (DIAC) on the SOL and we have been invited to have input. I have contacted ANZPAA and suggested that we should make a joint submission.

The second issue relates to the matter of Motekiai Taufahema who had been convicted of the manslaughter of Senior Constable Glenn McEnallay in Sydney in March 2002.

In November 2009 the Administrative Appeals Tribunal General Administrative Division reviewed the then Minister's decision to cancel his visa on the ground that he did not pass the 'character test'. The Minister's decision was set aside which would have allowed Taufahema to remain in Australia at the expiration of his sentence. Following appeals by the PFA and many others the Minister ultimately overruled the AAT using his powers under Section 501 of the *Migration Act 1958* and Taufahema will be deported once his sentence is complete.

What this issue raised was the process of the AAT in determining such matters. As a result the PFA lobbied Government for a change of procedure.

Earlier this year we were subsequently advised by the Attorney-General that in future matters, where DIAC consider that a person has relevant information that could assist the AAT, they will ask the AAT to summons the person. In addition DIAC will give serious consideration to issuing a subpoena to secure information that is relevant to proceedings before the AAT. In addition, DIAC have also advised that there is now an established procedure for bringing potentially sensitive character cases to the attention of the Minister for Immigration and Citizenship so that he may identify the cases in which he may wish to personally consider exercising the powers under section 501 of the *Migration Act 1958*. Decisions made personally by the Minister under section 501 of the *Migration Act 1958* are not reviewable by the AAT.



ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP

01 NOV. 2011

AG-MC11/09487

Mr Mark Burgess
Chief Executive Officer
Police Federation of Australia
Level 1, 21 Murray Crescent
GRIFFITH ACT 2603

Dear Mr Burgess

Thank you for your letter of 22 August 2011 detailing your concern that interested persons and groups, such as the Police Federation of Australia, should be afforded the opportunity to appear before the Administrative Appeals Tribunal in reviews of decisions under section 501 of the *Migration Act 1958*. I apologise for the delay in responding to you.

I understand that officers from my Department as well as from the Department of Immigration and Citizenship (DIAC) have met with representatives from the NSW Police Service and the Police Federation to discuss this matter.

Following from that meeting, my Department has been in discussions with DIAC as to how relevant information from interested parties can be brought before the AAT in hearings for review under section 501 of the *Migration Act 1958*. DIAC has advised that where they consider that a person has relevant information that could assist the AAT they will ask the AAT to summons the person. The AAT has advised that they will deal with such requests in accordance with section 40 of the *Administrative Appeals Tribunal Act 1975*.

DIAC has also advised that they will give serious consideration to issuing a subpoena to secure information that is relevant to proceedings before the AAT. Unfortunately, due to privacy considerations DIAC is unable to advise the Police Federation when applications for review are lodged or seek the Federation's advice as to whether you have any additional information in relation to any individual matter.

In addition to the above processes, DIAC has advised that there is now an established procedure for bringing potentially sensitive character cases to the attention of the Minister for Immigration and Citizenship so that he may identify the cases in which he may wish to personally consider exercising the powers under section 501 of the *Migration Act 1958*. Decisions made personally by the Minister under section 501 of the *Migration Act 1958* are not reviewable by the AAT.



Please contact my Department if you have any further comments or suggestions in relation to this matter. The action officer for this matter is Sunila Srivastava who can be contacted on 02 6141 5006.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Robert McClelland'. The signature is fluid and cursive, with the first name 'Robert' being more prominent.

Robert McClelland

While this may not be the perfect outcome, it should ensure that matters such as Taufahema's successful appeal to the AAT will not occur in the future.

Meeting with Coalition

In June 2012 the Executive attended a function hosted by the Coalition and attended by the Opposition Leader, Tony Abbott.

There was a large attendance of Shadow Ministers, Members and Senators. One key outcome of the function was a meeting between the PFA and the Opposition Leader's Senior Policy Advisor where the PFA's document "*Creating a Safer Australia – PFA's Plan 2010-13*" was discussed in detail. It led to a recommitment by the Opposition to an array of PFA policies.



Proceeds of Crime

The proceeds of crime have a significant part to play in crime prevention. Successful confiscation of criminal assets assists in preventing crime in 3 ways:

- By confiscating wealth, crime becomes less profitable, and therefore the incentive to commit crime is lessened.
- Assets taken could have otherwise been used to fund further criminal activity.
- The assets taken from criminal activity should be reinvested in crime prevention initiatives.

The first two methods are assisted by effective confiscation methods and investigation capabilities. The PFA has sought to establish these by advocating for

unexplained wealth provisions, and improved intelligence sharing capabilities for law enforcement agencies.

The reinvestment of confiscated assets in crime prevention has enabled the development or continuation of many important crime prevention programs, both government and community initiatives. Some examples of effective use of the assets include:

- supported accommodation centres for drug rehabilitation;
- recreation and life skills programs for at-risk youths;
- Centres or activities that facilitate positive relationships between certain sections of the community, and the police that interact with them;
- a scoping study into the Automated Number Plate Recognition project; and
- studies into the Minimum Nationwide Person Profile (MNPP) Project.

The PFA believes that the potential for crime prevention from confiscated assets is expanding. Over the past five financial years the value of confiscated assets going into the Confiscated Assets Account under the Proceeds of Crime Act (POCA) has increased significantly. In 2005-06 it was \$12.8 million. In 2009-10 this increased to \$28.7 million. This year, a single operation saw the restraint of over \$40 million worth of assets. So the pool of assets that could potentially be seized and used for further crime prevention is significant. The PFA also sees a circular model of crime prevention through confiscated assets, in which confiscated assets are used to increase the capacity of law enforcement agencies to conduct confiscation investigations, which in turn leads to more confiscations.

The PFA has been active in advocating for the effective use of these crime prevention approaches. The PFA attended a roundtable held by the Australian Institute of Criminology in which stakeholders engaged with the Commonwealth Attorney-General's Department to discuss how best to distribute confiscated assets between crime prevention initiatives. The PFA also had correspondence with the Hon. Jason Clare MP, Minister for Home Affairs, regarding budgetary decisions relating to crime prevention. We have also given key note addresses on Crime Prevention and Proceeds of Crime to the Australian Institute of Criminology Conference and the Reducing Indigenous Youth Incarceration Rates Conference in 2012.



Conclusion

In the lead up to the 2010 Federal election, the PFA produced a set of pre-election policies "*Creating a Safer Australia: Police Federation of Australia's Plan 2010-13*", which we put to the major political parties. The policies include those designed to improve community safety and policing nation-wide, and policies aimed at improving police industrial and workforce arrangements. All parties responded to most of our proposals.

As we reflect on that policy document, it's important that we evaluate our progress. Outcomes in the past two years include –

- police work health and safety;
- PFA's "Draft" Code of Practice for Managing Risks in Policing;
- the roll-out of Tasers to frontline police officers supported by PFA's FAQ document;
- lifting the superannuation guarantee from 9 to 12% pa in the first instance;
- improved policing in remote indigenous communities;
- establishment of Home Affairs Minister's Crime Prevention Advisory Committee;
- Parliamentary Joint Committee support for a greater national approach to serious and organized crime and unexplained wealth legislation;
- Senate Committee support for the need for police to have state-of-the-art communications systems (mobile broadband);
- retaining AFP police numbers and improving on those numbers;
- like-for-like workers' compensation and rehabilitation arrangements between Australia's Police and defence force personnel serving in high risk missions overseas;
- resisting the repeated suggestions for 'second tier' policing by non-qualified personnel to cut the costs of policing services;
- improving policing at Australia's 10 major airports with that function now the sole responsibility of the AFP in line with long term PFA policy;
- the end of Australian Workplace Agreements (AWAs) in the Federal industrial relations system;
- liquor licensing reforms in various jurisdictions to tackle alcohol-related violence including against police officers and PFA's membership of NAAA;

- the national plan to reduce domestic and family violence and sexual assault;
- supporting arrangements for police dealing with mentally ill people;
- ANZPAA's and APPSC's acceptance of professionalisation of policing and national police practice standards;
- recognition of the unique child care needs of police officers engaged in shift work; and
- important recognition of police through awards and honors as part of the Australian honors system.

Achievements like those listed confirm the importance of the PFA, representing Australia's 56,000 police officers, developing a list of priority policies for the attention of political parties at election time. Without a clear set of policies the PFA wishes to see implemented, we cannot hope to influence the parties' policies and financial commitments for the following term of government.

The 2013 federal election rapidly approaches. In the early part of 2013 the Executive will need to turn its attention to the development of a PFA manifesto for 2013 -16 to put before all political parties. The development of that document, and the lobbying that will be required to be undertaken in the lead up to the election, will be a large part of our work over the next 12 months.

Can I take this opportunity to thank the Branches for their ongoing support and encouragement. The PFA in staff terms is only a very small operation. We could not operate as effectively as we do without the support of the Branches and their allowing their various subject matter experts to assist us in developing various papers and submissions. As the President has indicated in his report, we are a great example of how goodwill and cooperation can work effectively in a federated organisation. That would not be possible without the support of our Branches and their dedicated staff.

To the Executive, my heartfelt thanks for their support and their trust in us, their staff. I know I speak on behalf of all the staff when I say how pleasing it is to be given such strong support in all we do. It's the sign of a strong and experienced Executive when they give their staff their instructions and guidance and then simply allow them to get on with their jobs in the knowledge that they'll be supported.

We are blessed to have such good staff. Debbie Martiniello, who is approaching her 10th year at



the PFA, is one of the most trusted and conscientious people you could ever wish to have working for you. Dianne Gayler again shows her great strength in developing comprehensive and in depth reports and submissions on behalf of the PFA and Branches and Angus Skinner has managed to develop comparative data through matrix documents into an art form. We are now able to generate information for Branches that several years ago we only dreamed of.

I look forward to 2013 in the comfort that the executive has faith in the direction of the PFA. Many challenges lie ahead in such difficult fiscal times, however as an organisation we are well placed to meet them.

Mark Burgess
Chief Executive Officer



AFFILIATES' REPORTS

NEW SOUTH WALES

BRANCH PRESIDENT'S REPORT

As I had anticipated, the last year has been a perfect storm for the NSW Branch. For any president the first term is always a steep learning curve. But the challenges and battles just seemed to keep coming throughout the past 12 months: the Death and Disability (D&D) onslaught; wage case; lead and asbestos issues; the Ford Ranger debacle; the Bail Act Review; the Promotions Review; the Red Tape Review; the Police Budget; various judicial enquiries and judgments. There have also been local battles over police numbers, First Response Policing Agreements, vehicles, uniforms and critical incidents.

The Wages Case

In September 2012 the Full Bench of the Industrial Relations Commission handed down the much anticipated and long awaited decision in our salary case. General increases for salaries and salary based allowances of 3.5% from 1 July 2011 (including the 2.5% already awarded) and 3.2% from 1 July 2012 and 3.2% from 1 July 2013. When compounded, Police salaries will increase by 10.22% during the term of the new award.

These increases continue to build on the increases to real wages achieved by the Branch over the past 20 years. Despite our claim being vigorously opposed and the Government's determination to restrict us to 2.5% for two years, we have again delivered increases for all members better than the Sydney inflation rate (average 3% in 2010/11 and 2.5% 2011/12).

All members will receive back pay of the 1% owing from 1 July 2011 and a further 3.2% from 1 July 2012.

These increases, whilst less than we had claimed, are nevertheless significant especially when other public sector workers in NSW have been restricted to 2.5% in 2011 and 2012 and the Bench was obliged to exercise "restraint, having regard to the fiscal outlook for NSW".

The salaries case was a mammoth undertaking by the Branch on behalf of its members. It was the first time for more than 20 years that the IRC was asked to determine

the value of police work in an arbitrated case, and it should be remembered that the only reason we were permitted to run the case was because of a successful campaign in 2011 which ensured that Police were exempted from the government's attempt to cap salary increases at 2.5%. No other public service agency in NSW can achieve increases above 2.5% without trading off allowances and employment conditions.


These outcomes could not have been achieved without the hard work, support and evidence directly provided by all those members who participated in the campaign and the case. Their evidence made sure that we had the strongest case possible and highlighted the workload, the productivity, and the way we have reduced all crime categories and the road toll.

Death and Disability

The death and disability battle has been long and hard fought. Following the government's deceitful campaign to slash the protections of police officers, unprecedented industrial action was undertaken. This has been the longest running industrial action in modern policing history in NSW, costing the government an estimated \$11 million. Through hard work and sheer determination, we managed to claw back \$70 million in entitlements for police officers.

For the first time in our history we saw legislation which extinguished our Award and stripped the Industrial Relations Commission (IRC) of its powers to hear an Award application or a dispute. Our benefits have been shrunk, but not the amount we pay, and still we can't even take court action against this unfair contract as the legislation prohibits this.

From the outset the D&D campaign captured the attention of our membership. After the government announced proposed changes to the D & D Scheme on 2 November 2011, the Association website saw an increase in hits or independent visits of nearly 500 per cent over three days, as members sought information and advice. Throughout the campaign, the Association focused the messages through circulars,



media releases, videos, and protest marches on Parliament, uniting the membership against government like never before.

The dynamics of negotiations have changed. The government is hell bent on savings and it is all about money, at the cost of your livelihood and protections.

We have also seen, in some sections of the media, the willingness to run with the government's inflated figures without listening to the voice of reason and safety.

Rest assured this is an ongoing issue for the Branch, especially increasing compensation for Total Permanent Disability back to original amounts, as it impacts on our most injured heroes. This is a campaign we are willing to fight up to the next election, and beyond. Again I stress, this is a marathon, not a sprint. This campaign needs to be political, and we need to focus on grass roots politics. Not only the marginal seats, but in Coalition seats where we can turn the tide.

Police protections

The NSW Police Force (NSWPF) does injury management so poorly. They have had a medical discharge culture for at least the past 50 years, and this needs to change. The risks of policing are the same, but the consequences of being injured now are catastrophic. This is why we are looking at an education model, not only for Commanders, but all police to make sure they protect their most valuable resource — themselves and their colleagues.

We can see from examples such as the Ontario Police Force where they have 7,000 police officers, unlimited sick leave and yet only 30 on long-term sick leave, that educating all police officers in the areas of injury management, stress management and resilience is the way to reduce the numbers of NSW police departing the force with work-related injuries.

The face of policing has changed and we need to look after each other more than ever. If we are injured, or one of our colleagues is injured, we need to make sure they come straight back to work. Police should not be treated like a number and if you are injured, you are a hero and your sacrifice should be respected. There should be numerous roles across NSWPF where officers who are injured or who are trying to return to work, can be placed so they have meaningful rehabilitation.

But we also need to prevent the injuries. That is why we have fought so hard for improved equipment like Tasers,

load bearing vests, thigh holsters, restrictions on the Ford Rangers, making sure that NSWPF abides by its mandatory responsibilities and informs officers about lead and asbestos and trains members in the new WH&S legislation.

We have all thought, at one time, that we are 10 foot tall and bullet proof, but we just need to take a step back and remember that we are not, and that also the government's protections will no longer protect us if we are injured. So wait for back up before running into that pub brawl or when you are driving urgent duty to that armed hold up, make sure you get there in one piece. When the horror of everyday policing gets too much, have a break. This is our ongoing battle — to protect each other when no one else will.

Reviews and Restructures

We have also fought the Bail Review where some terrifying recommendations have been released to the media. We all know the removal of police issuing bail and not being able to conduct curfew checks would not only jeopardize our safety, but push every crime statistic through the roof. The decision of the Supreme Court in regards to curfews is just another attack on community safety and policing. Courts need to realize that their primary concern is protecting the victims of crime, and not the offenders. At the time of writing this report, the NSW Police Force was appealing the Supreme Court's decision. On the upside the Government has announced this will be fixed by legislation — that is an important decision.

The Parsons Review which talks about the restructure and future of the NSWPF has been a very secretive document. We are yet to see any evidence as to why the broader structure of the LACs needs to change considering the results we have achieved since its inception. Crime is down, the road toll is down and our productivity has never been better. Complaints continue to fall and the NSW Police Force is proudly one of the most accountable and ethical organizations in the country. Customer service is at consistently higher levels than most public and private sector companies.

The Promotions Review has been released. The Wright Review has been a long time coming, but finally we can now start to move forward with changes to the Promotion system.

We have also seen, over the last 2 years, unprecedented releases of reviews, restructures, name changes and



new policies, firstly through the media and then through NSWPF. A prime example is the Body Modification Policy and the stupid idea of restricting police in having sleeve or arm tattoos. Police officers are a reflection of society and we need to maintain certain standards, but it is ironic when both of the recent Victoria Cross recipients have arm tattoos. They served and protected their country and were presented the VC with them on full display, I think we have gone a little bit too far. We will be making sure, and pardon the pun, that sleeve and arm tattoo restrictions will be removed from the policy.

Transit Policing

It has also been announced by the government, and welcomed by the Branch, that Police will take over security on the state's transit systems. We welcome the additional 309 SAP positions, on top of the allocation already given by the government. This is a core policing role and police are best to deal with crime wherever and whenever it occurs.

Murder of David Rixon

Deaths on Duty

On a sadder note, we had one of our brothers killed in the line of duty during the past year. The murder of David Rixon has touched us all. He was a beloved husband to Fiona, and a doting father to Renae, Jemma, Scott, Matthew, Hayley and Patrick. We need to remember his

legacy and make sure that his family is protected into the future. He paid the ultimate sacrifice and they will forever be in our hearts. Police and the community rallied behind the family and when the Branch established a memorial fund for the family their generosity was overwhelming. This culminated in the Branch, NSW Police and our workers compensation insurer EML organising a fundraising dinner which raised over \$250,000 from the corporate world for the fund.

Conclusion

I thank all members for their involvement in these large campaigns, but also for protecting each other in day to day issues. Looking after the welfare of each other makes us all stronger. I thank the delegates for their ongoing direction and for leading our strategic campaigns. I also thank the staff at the Branch. This has been their busiest time since the Police Royal Commission, but they have risen to the task and performed a fantastic job — not only in their day-to-day tasks, but in dealing with the members who have rung in for assistance.

Scott Weber
Branch President





AUSTRALIAN FEDERAL POLICE ASSOCIATION

It is with great pleasure that I provide this 2012 report to the Police Federation of Australia (PFA). As a founding member of the PFA and an inaugural member of the Federal Executive, I am proud of the significant achievements of the PFA over the last 14 years.

At the PFA Federal Council this year, Peter James (Jim) Torr retires from his position as Delegate of the Australian Federal Police Association (AFPA) Branch of the PFA and retires as Chief Executive Officer of the AFPA which he has held continuously unopposed for ten (10) years.

On behalf of the AFPA, and as PFA Vice President, I thank Jim Torr for his dedicated service to the law enforcement community and for his tireless representation of the men and women of policing. I am sure, on behalf of all PFA Delegates, we all wish him well in his future endeavors.

During the 2011/12 financial year the AFPA focused on some key issues within our four operational "pillars" of **Profession; Employment; Life; and Welfare**.

The following is a brief summary of those issues addressed by the AFPA over the last 12 months:-

Profession

2012/13 Federal Budget

In the lead up to the 2012/13 federal budget, the most challenging task for the AFPA was to maintain the Federal Government's commitment to expand the AFP by 500 net sworn police officers over 5 years. Extensive lobbying of the Government by the AFPA and PFA led to the Government retaining the budget funding allocation, consistent with its 2007 election commitment to the AFPA and the PFA.

The subsequent result of AFPA and PFA lobbying was that the AFP 2012/13 budget remained largely unchanged in regard to the allocated funding in out years for the 500 sworn police officers. This was a significant achievement when most other federal government agencies suffered significant budget and staffing cuts.

However, it should be noted that the Labor Government, without warning to agency heads, increased the Government Efficiency Dividend by 2.5% in the 2012/13 budget leading to a total budget cut of 4% which has had to be absorbed by the AFP - the impact being a budget cut of \$25 million in 2012/13.

During the next Federal Election we will be seeking a commitment from all political parties to return the AFP funding to the pre-4% cut and to give an undertaking to exempt the AFP from future Government Efficiency Dividends during the term of the next Government.

2012 ACT Election

During the ACT Election the AFPA sought undertakings from the major parties in regard to law enforcement issues impacting on our members in ACT Policing. The AFPA has achieved some significant undertakings and will be closely monitoring the implementation of these important initiatives.

Lobbying for Law Enforcement Reforms

The AFPA has continued lobbying for significant law enforcement reforms in both the Federal and ACT jurisdictions.

The AFPA provided submissions and gave evidence before a number of Commonwealth Parliamentary committees in relation to inquiries and legislative amendments. This has included:

- The Inquiry into the operation of Unexplained Wealth provisions within the Proceeds of Crime Act (Cth) - Parliamentary Joint Committee on Law Enforcement;
- The Inquiry into Integrity Testing of Law Enforcement Employees - Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity;
- The Inquiry into Criminal Intelligence Sharing - Parliamentary Joint Committee on Law Enforcement;
- The Inquiry by the Expert Panel on Asylum Seekers;
- Lobbying for a False Claims Bill (Cth);

- Lobbying for an E-crime Fencing Bill (*Cth*);
- Lobbying for a False Claims Bill (*Cth*);
- Lobbying in regard to the inadequacy of aviation and maritime security measures to combat serious and organised crime;
- Lobbying in regard to the inclusion of the offence of importing, possessing, trafficking in Dangerous Weapons under the Criminal Code (*Cth*); and
- Lobbying for an amendment to the proposed Private Member's Bill on Whistleblowing to protect officials of Registered Industrial Organizations – Andrew Wilkie MP

The AFPA has also provided submissions and given evidence before a number of ACT Legislative Assembly committees in relation to inquiries and legislative amendments. This has included:

- The Inquiry into the Crime Legislative Amendment Bill 2011;
- The Inquiry into the Crime (Offences against Police) Amendment Bill 2012;
- Inquiry into the Bail Act 1992 (*ACT*) amendment – Presumption Against Bail – Recommendation by the AFPA for a provision similar to Section 8C Bail Act 1978 (*NSW*).

Employment

AFPA Enterprise Agreement 2012-16 Negotiation

The AFP Enterprise Agreement 2012-2016 negotiations commenced late November 2010 and were completed in February 2012.

Of particular concern during negotiations was the directive given by the Federal Government to all Commonwealth agency heads, not to negotiate above a 3% annual salary increase and to move towards uniform public service terms and conditions rather than agency specific terms and conditions.

Although the AFPA achieved, through negotiation, an offer of an annual pay increase of 3%; 3.5%, 4% and 4% over four years backdated to the 1 July 2011, the AFP EA offer was rejected by the majority of AFP employees in August 2011.

Negotiations recommenced in October 2011 and an agreement was reached between the AFP and Bargainers

in February 2012. Negotiations tested the capacity of the AFPA to achieve an acceptable outcome for our members. It should be noted that approximately 80% of AFP employees had never seen a pay rise of less than 4% per annum. After long and, at times hostile negotiations, agreement was reached with an offer and acceptance of 4%, 3%, 3.5% and 3% over four (4) years.

Although there were some important improvements in terms and conditions in the final AFP EA offer, the annual pay rise results are still seen as disappointing for many members. This is despite the trends in Federal Enterprise Bargaining now showing the public sector as receiving an average annualized wage increase (AAWI's) per employee of 4% in the March quarter and 3% in the June quarter.

It is interesting to note the difficulties in negotiating under the Fair Work (FW) Act during the AFP EA process. The removal of the provision to allow an employer to choose to only negotiate with the key workplace Industrial Organisation led to drawn out and frustrating negotiations. Single bargainers and bargainers representing small self-interest groups, made a mockery of the professional bargaining process. In our case it resulted in a convoluted and inefficient process for the AFP management and us.

The AFPA is continuing to lobby for an amendment to the FW Act to include an *exclusive jurisdiction* provision. This is similar to the provisions contained in the *National Labor Relations Act 1935 (USA)*, whereby union representatives designated or selected for the purposes of collective bargaining by the majority (+51%) of the employees in a workplace, are the exclusive representatives of all the employees in such workplace for the purposes of collective bargaining.

The AFPA understands the reluctance of the Labor Government and the Liberal Coalition to return to provisions of Work Choices but in the alternative we are strongly seeking the previous provision 'Union Enterprise Agreement' under the Workplace Relations Amendment (Work Choices) Act 2005 (*Cth*) section 96B (as articulated below) be reintroduced:-

96B Union collective agreements

An employer may make an agreement (a union collective agreement) in writing with one or more organisations of employees if, when the agreement is made, each organisation:



(a) has at least one member whose employment in a single business (or part of a single business) of the employer will be subject to the agreement; and

(b) is entitled to represent the industrial interests of the member in relation to work that will be subject to the agreement.

To give Delegates an understanding of the new negotiating environment under the FW Act, it should be noted that the AFPA has the vast majority of AFP employees as members. It therefore is illogical to allow individual employees an opportunity to pursue individual issues, often at the expense of the greater majority. In practice it slowed down the bargaining process which impacted on the greater workforce due to the significant delay and subsequent impact on salaries and superannuation entitlements.

Within the current legislation, section 176(1)(c) of *The Act*, provides that any person may be appointed, in writing, as a bargaining representative. The AFPA is concerned as to the effectiveness of these independent bargaining units and the impact that they have on the bargaining process, and in particular, the ability of a professional Registered Industrial Organisation to attain a negotiated and beneficial outcome in a timely manner for the workforce.

The current system, which recognises Independent Bargainers, has produced considerable barriers to good faith bargaining in a timely, fair and transparent manner.

While we note that the current provisions allow for the limitation of independent bargaining representatives through a Bargaining Order (section 230), there are a number of institutional and legislative constraints on attaining such an Order. In practical terms, obtaining a Bargaining Order on the grounds that efficiency or fairness of the process has been compromised due to the multiplicity of bargaining representatives is virtually impossible for an Industrially Registered Organisation.

For example, the AFPA commenced bargaining with approximately the following representatives present:

Employer

- 5 bargaining representatives, representing the Organisation consisting of 6,500 FTE

AFPA

- 5 bargaining representatives, representing 4,500 members with the AFPA having industrial coverage of the whole workforce

Second Union

- 5 bargaining representatives, representing 150-200 unconfirmed members (sharing coverage of a class of employees)

Independent bargaining units

- Upwards of 21 individuals representing their own interests or claiming to represent the interest of other unconfirmed sub group employees.

Given the intent of the current system, there should have been reasonable grounds to commence the Bargaining Order process. However, the current system has produced significant practical limitations to attaining a Bargaining Order:-

- The employer may wish to be seen to be inclusive of all employees by continuing with all Bargainers present and accordingly not supporting the Bargaining Order application;
- The employer may perceive a benefit in maintaining multiple independent bargainers, to the detriment of employees;
- A perception that Registered Industrial Organisations undertake such action in order to move behind 'closed doors' and make a 'poor deal' with the employer, giving the secondary Union and Independent Bargainers political capital within the workforce;
- The unclear process of how some Independent Bargainers would be removed whilst retaining others and the issue of transparency and fairness if such a process was to occur; and
- The practical inability to challenge the legitimacy, qualifications or experience of individual employees to represent their own interests or that of other employees without giving the secondary Union and Independent Bargainers political capital within the workforce.

Future AFPA negotiators will hopefully be in a better bargaining position than that experienced during the AFP EA 2012-2016 negotiations. Time will tell!

Proposed Introduction of AFP Integrity Testing Regime

Over a number of years the AFP has been considering introducing integrity testing without independent authorisation, direction, oversight or legislative safeguards



for employees. The AFPA has been involved in significant lobbying of decision makers in relation to this proposed additional integrity measure. This has led to a public inquiry into Integrity Testing being conducted by the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

There is now legislation before Parliament to introduce integrity testing in the AFP, ACC and AC&BPS. The AFPA was briefed on the Law Enforcement Integrity Bill 2012 by Government. Many of the concerns raised by the AFPA have been addressed. In particular, *Integrity Testing* is now targeted only, has independent authorisation, direction, and oversight by ACLEI, has legislative safeguards for employees and it is limited to corruption investigations (Category 4 matters) under s.6 of the *Law Enforcement Integrity Commissioner Act 2006*.

General Issue of Electronic Incapacitating Devices on Occupational Health & Safety Grounds

Over a number of years the AFPA has been seeking general issue of Electronic Incapacitating Devices (EIDs), such as Tasers, to all operational AFP Officers so they have access to another non-lethal option to their firearm.

The AFPA has been successful in convincing the ACT Attorney-General, Simon Corbell and the AFP ACT Chief Police Officer, Roman Quaadvlieg to introduce EIDs for experienced AFP operational employees on Occupational Health and Safety grounds.

The AFP is rolling out EIDs to all operational employees across the AFP commencing with high risk areas such as community policing, Aviation and National Operations.

Closure of AFP Robina Office

The AFPA conducted significant lobbying and engaged media in regard to the planned closure of the AFP Robina Office. This included the use of Senate Estimates to ensure that the AFP had grounds for closure of the AFP Office. At the request of the AFPA, the AFP conducted a further inquiry which confirmed closure of the office. The AFPA has managed to relocate most AFPA members to their preferred relocation, including Gold Coast Airport.

Review of Norfolk Island Policing

The AFPA requested a review of Norfolk Island Policing on workplace health and safety grounds. The AFP

conducted an inquiry and the AFPA understands that there will be additional funding and human resourcing of Norfolk Island, consistent with the AFPA's recommendations. The AFPA intends to monitor the outcomes of the review and engage the Joint Standing Committee on the National Capital and External Territories, if required.

Review of Deployment Assistance Allowance

The AFPA is monitoring an independent review into the AFP Deployment Assistance Allowance. This is a significant issue as the outcomes of the review, if negative, will lead to significant cuts to a large number of members' take home pay. The AFPA will utilise all measures available to publicly discredit the review if it is found to be biased or flawed in its assumptions or recommendations.

Life

The AFPA has also entered into negotiations for an underwriter of our AUSPOL Health as a result of the decision by HCF not to continue with a discounted group health cover option for a number of industrial organisations. Negotiations for a new underwriter are complete and the launch of the new product range will be rolled out in November and December 2012.

Welfare

As an AFP employee it is almost impossible to obtain personal Life Assurance; Funeral Expenses Cover; Income Protection; Serious Illness Insurance; Critical Injury Insurance etc. As such, the AFPA provides access to AFPA Welfare support including:

- ***AFPA Member Assistance***
- ***AFPA Member Legacy***
- ***AUSPOL- Police Welfare Foundation***

The AFPA continues to enhance welfare assistance and welfare benefits for all AFPA members, their families and loved ones. Our welfare package has been designed to provide members and their families with a suite of benefits and assistance covering them worldwide, 24 hours a day, 7 days a week.

AFPA Member Assistance provides payments (including lump sum cash payments where appropriate) that an AFPA member can use to help with their loss of income, everyday expenses, rehabilitation and medical costs.



During the last 12 months the AFPA has considered further expansion of its AFPA Member Assistance to include group cover Travel Insurance. Many of our members overseas are not eligible for travel insurance whilst on short term leave. A substantial survey was conducted and 90% of those who participated would prefer this additional benefit with 65% agreeing to a slight increase in membership fees to fund the proposal. Negotiations are continuing with potential insurance underwriters.

AFPA Member Legacy provides cash to a member's family to help cover the cost and financial loss resulting from the tragic death of an AFPA member. It enables lump sum cash benefits to be paid to the family and loved ones to help them manage loss of income, major household debts such as the mortgage, car repayments, funeral costs and education costs for children.

The AFPA is proud of the enhanced welfare protection that we now provide financial members of the AFPA under our **AFPA Welfare** pillar. We continue to receive very positive feedback from members.

AUSPOL -Police Welfare Foundation continues to assist Australian police employees including past employees, and their families, in times of need. The AFPA has continued to underwrite the charitable activities of AUSPOL Police Welfare Foundation. It has made a number of donations to Police employees and their families over the last 12 months including donations to State Police as well as Federal Police, complimenting local Legacy arrangements.

Conclusion

In conclusion, I would like to take the opportunity to thank the PFA Federal Executive for the support they have given to the AFPA Branch. I look forward to working with the Federal Executive during 2013.

Finally, I would like to thank the AFPA Branch Delegates, the AFPA National Executive, the AFPA CEO Jim Torr and the AFPA National Office staff for their dedication and support of AFPA members.

Jon Hunt-Sharman
AFPA National President





VICTORIA

The Victoria Police branch of the Police Federation of Australia is the organisation through which we deal with industrial issues and matters with national implications for our members and Police Officers in other Australian police jurisdictions.

The most significant priority for the branch since the last Annual General Meeting has been the negotiation of a fair and reasonable outcome to our EB 2011 negotiations. The outcome was an outstanding success where we have achieved results that not just met, but actually exceeded our expectations, including salary increases compounding at 4.72% per year, as well as numerous other improvements to the terms and conditions of our members. After nearly five months of industrial action taken by our members to achieve this outcome, the associated work bans were finally lifted on 24 October, last year.

Every enterprise bargaining negotiation that I have been involved with, as a delegate and later as a member of the Executive and then as President, have all been different. All EB negotiations have been hard fought and we have had to rely heavily on our members to support us in achieving the final result. The final result, on this occasion, due to the cohesiveness of everyone involved, including the Executive, the Administration, our delegates and our members, has resulted in an outcome that is unprecedented. A significant feature of the EB 2011 campaign was the different methods that we have used to more effectively communicate with our members.

As well as the traditional methods of communication, including our monthly Journal and the InBrief newsletter format, we have taken to social media to keep our members informed. This was to ensure that member support, which is so important in any campaign, particularly in an enterprise bargaining campaign that is conducted by The Police Association, remains steadfast, strong and united and that was certainly the case in all aspects of the EB 2011 enterprise bargaining campaign.

On the 1st March this year, the Deputy Premier and Minister of Police and Emergency Services, Peter Ryan, announced the creation of a Police Professional

Registration Board. Police associations and unions across Australia have pursued the professionalisation of police in this country for more than twenty years and finally the Office of Constable has been formally recognised by the Victorian government as a profession. This new registration body will afford long overdue professional status to policing and a number of practical benefits for our members will come with it. The police registration body will provide the ability for our members to have their skills, qualifications and policing experience formally recognised by an official registration body that will serve to elevate policing from an occupation to the status of a profession. We hope that the establishment of professional recognition for police officers in Victoria will have a domino effect throughout the country.

A police registration system will also more easily facilitate inter-jurisdictional mobility and will enable a Police Officer to take their practicing certificate to other jurisdictions, both within Australia and internationally. Police registration will better position our members to take a career break, in that they will be able to leave the policing profession and provided that their registration is maintained, they will be able to return at the rank at which they were when they left provided that the necessary professional status requirements are met. Professional registration of Police Officers will also allow the Chief Commissioner to offer specific project work to members who may have retired or left the policing profession. This will allow fixed or short term employment on specific projects and provide a mechanism to maintain policing knowledge in police-related project work without drawing members from the frontline. We expect that the new Police Professional Registration and Services Board will have a number of divisions, including an appellate division which will replace the current Police Appeals Board.

Under the new body, transfer and promotion appeals will no longer require an appeal brief. Appeals will be required to be lodged within 72 hours of the published date of The Gazette. They will be heard and determined, including a decision being reached, within two weeks. There will be a restriction of four appeals that may

be lodged by any individual in a twelve month period. These reforms will have the effect of reducing the delay on decisions from 75 days to 12 days. We expect that this development will be welcomed, not just by our members involved in an appeal process in that a quicker result will occur, but that members at supervisory and management ranks will also be able to fill vacant positions in a shorter time span. The significant productivity gains for the government and the Victoria Police Force and the range of benefits for our members has resulted in an outcome in which everyone benefits.

After more than ten years of political lobbying by the Police Federation of Australia, the National Police Service Medal finally became a reality late last year. In September, 2011, the first medals were presented by the Prime Minister, the Honourable Julia Gillard, at Parliament House in Canberra. Two police from each jurisdiction were selected to attend the medal presentation ceremony with the first two Victorian recipients being our members, Inspector Michael Beattie and Inspector Kerry Hynam. The National Police Service Medal is a medal that is designed by police, for police. Following the inaugural presentation of the medals by the Prime Minister there will be further medal presentations for eligible members around Victoria who have completed 15 years or more of policing service. We congratulate all of those involved in the promulgation of the National Police Service Medal.

The Police Federation of Australia, in representing almost sixty thousand Police Officers in all Australian policing jurisdictions, has focused on the following key issues in the last year:

- Superannuation issues, including adequacy of superannuation for members and superannuation preservation age requirements, as well as salary packaging including capped fringe benefits tax arrangement
- Airport policing
- Retention strategies
- Police mobility across jurisdictions
- Dealing with the mentally ill
- The future of the federal industrial relations system and its impact on police
- Award modernisation
- Harmonisation of OH&S legislation
- Harmonisation of workers' compensation

- 'Police @ Work' project in conjunction with Sydney University
- Childcare options and tax relief
- Coordination of industrial issues across all of the jurisdictions
- Encouraging greater female participation in unions/associations through the PFA's women's advisory committee
- Overseas workers' compensation scheme for police, including international deployment issues
- Federal government review of taxation.

A further important issue the Police Federation of Australia has been focusing on is the availability of mobile broadband radio communications, which is so vital for police and other emergency services. The Police Federation of Australia has been strongly lobbying the federal government to prevent the sale of mobile broadband to the telecommunications sector for profit, when this broadband is so essential to emergency service organisations throughout Australia, particularly during times of disaster.

The Police Federation of Australia will continue its important work in influencing the federal government to commit to mobile broadband communications for emergency service agencies as a matter of urgency. It is important that the federal government allocates sufficient spectrum for dedicated broadband public protection and disaster relief radio communications in Australia. To do otherwise would be a serious dereliction of public duty and responsibility when it comes to looking after the needs of Australians at all times, but particularly during disaster situations.

The Police Federation of Australia, which is the peak police union/association body in this country, will continue to do its important work at a national level, particularly with regard to lobbying the federal government and other politicians of all political persuasions to ensure that the rights and entitlements of Police Officers throughout Australia remain a key focus of the federal government. It is important that the Victorian branch contributes to these outcomes, not just for the benefit of our members, but for the benefit of police officers throughout the country.

Phil Pearson
Branch President



TASMANIA

A week, they say, is a long time in politics, and in that case a year can seem an eternity. Since my last report the financial situation in Tasmania has gone from dire to diabolical. In the 2012-13 Budget the Labor-Green Government imposed cuts totalling \$16M over the forward estimates including \$8M in the first year. With more than 80% of the police budget expended on salaries, achieving the savings was always going to be a difficult task.

In reality the Police Service had only one option to make the savings and that was by reducing police numbers. They estimated that 100 frontline police would have to be cut from the service. To achieve this they would rely on natural attrition. That failed miserably and now the Police Service has had to offer redundancies. As this report is being written around 50 frontline police have accepted redundancy payouts and police numbers have hit a low not seen since 2004.

The Government has slashed budgets across all Departments but the Police Service has been hit harder than most. The provision of Federal money for many mendicant agencies sorely tests the goodwill of serving police when they are continually ignored and offered no help from the Government.

The bald truth is that more than 100 frontline police will be cut from the force. More than 100 public servants who ensure that police on the frontline are properly supported will also lose their jobs. Many of those jobs will now have to be done by police making it a double whammy in terms of the loss of police from the front line.


Such is the budget situation that no recruiting has been conducted in the last 18 months and it is unlikely that any recruiting will occur for at least another two years. Aspiring police officers have had to seek employment in other jurisdictions. This diaspora of policing talent will make recruiting that much harder whenever it is likely to occur in the future. The lack of new talent to keep the organisation vibrant will also have a detrimental effect on its long term health.

Whilst the budget situation has dominated debate, other matters of interest have also been bubbling along. With much fanfare in 2010 the DPEM and the Premier announced the roll out of a new uniform for frontline officers with an emphasis on practicality. Unfortunately the project has been beset with problems. Ill-fitting shirts, trousers with a tendency to split at the seams, and many other irritating problems have caused what should have been a good thing to turn rapidly into a little shop of horrors.

For example I cite the incident of the provision of thermal headwear, known colloquially as the beanie. Those in charge of such important matters determined that a beanie was no longer required for operational police in adverse weather conditions. What would suffice was a thermal insert in the baseball cap which had an uncanny resemblance to a skull cap used by some Middle Eastern religions. It wasn't until this decision became a national media event that the Police Service recanted and allowed the beanie to be the thermal headwear of choice. Common sense prevailed but it was a long time coming.

Another matter that has been festering away is that of the P.V Fortescue. This state of the art police vessel was required urgently and money was set aside in the budget several years ago to build it quickly. The vessel was plagued with problems almost from the outset. What was a \$1.1M dollar project eventually became a \$1.8M dollar project as money was spent to fix the problems. At the time of writing the vessel has had its survey withdrawn and remains unusable. The Government now refuses to spend any more money on it. The Department is examining its options. A Legislative Council inquiry is trying to determine how we ended up here, with a \$1.8M dollar boat that can't be used by our marine police and leaves a capability gap in marine and search and rescue policing.

OHS matters continue to occupy much of the Association's time. The national legislation was delayed by the Legislative Council for twelve months and will not come into effect until January 2013. The Association



has played a part with the PFA in the development of a National Code of Practice for Police Officers. With the new legislation considered superior to the current State legislation the Association is looking forward to its implementation.

One area considered to come under focus is the use of single officer patrols. It is a practice we have opposed for several years and one which the Police Service persists with. Along with the new legislation we are set to air this issue at a Coronial Inquest investigating the fatal shooting by a police officer who was attending a 'keep the peace' matter on his own.

The Association continues to push for mandatory sentencing for assaults on police. The Government referred the issue to a think tank controlled by a panel of lawyers. The outcome was predictable. Apparently mandatory sentencing doesn't work! This despite a plethora of mandatory sentencing practices from traffic infringements to drink driving penalties. With assaults on police on the rise this is a real area of concern but one that the Government continues to ignore.

As I stated at the beginning, a week is a long time in politics, a year can seem an eternity, and March 2014 when the next State election is due seems like infinity. There is an air of despair and resignation and a sense that we will have to bunker down until that time and hopefully we will get a government that can manage things better.

Randolph Wierenga
President – Tasmania Branch



SOUTH AUSTRALIA

There have been a number of highlights for the branch in the preceding 12 months.

Legislative outcomes

Criminal intelligence

The association was active in lobbying for the passage of the Statutes Amendment (Criminal Intelligence) Bill 2010.

This Harmonization Bill ensured that the regulatory scheme for the use of criminal intelligence as contained in the Liquor Licensing Act 1997 – endorsed by the High-Court – was consistent across a range of other acts including the Firearms Act.

This provided the necessary legislative confidence for police to use criminal intelligence against serious and organized criminals to obtain firearm prohibition orders.

Shooting at a police officer

The branch welcomed legislation proposed by the Government and the Opposition to create a new offence of shooting at a police officer.

Under the proposed laws, a maximum sentence of 25 years will apply to an offender who causes serious harm to a police officer by shooting at him or her; whether or not the offender intended to hit the officer.

The act of discharging a firearm at a police officer; without causing him or her any injury, will attract a maximum sentence of 10 years.

The move to legislate came after the branch had lobbied both sides of politics to deliver the outcome.

The branch made those representations in response to the 2010 shooting of its members Nathan Mulholland and Tung Tran, who were lured to a Paralowie house and fired at by offender Daniel Paul Van-Setten through the front screen door with a high-powered semi-automatic rifle.

After this legislation is passed, any person who shoots at a police officer can rightly expect to receive a significant custodial sentence for his or her actions.

Income protection

Police will now have their income protected in the event that they are injured as a result of criminal action directed at them in the course of duty, under a special income protection benefit negotiated by the branch.

The benefit paid to injured police will cover the difference between 100 per cent of their notional weekly earnings and the amount of workers' compensation payments they receive, for a period of up to two years.

The benefit will effectively bridge the gap that existed previously between workers' compensation payments and pre-injury earnings.

The new arrangement, which came into effect on July 12, 2012, was sought by the branch because of the unique nature of the police profession. The branch was of the view that no officer should be disadvantaged by being injured as a result of the actions of criminals who they must come into contact with on a daily basis.

The regulations also provide for the benefit to be available from July 1, 2011, through an ex-gratia payment to any person who would have had an entitlement during the interim period before the regulations were promulgated.


The changes come after more than a year of negotiations between the branch and government.

On February 28, 2011, after receiving submissions from the branch, government approved the provision of the benefit. And, on June 3, 2011 a heads-of-agreement between the branch and government, which set out the terms and conditions of the benefit, was signed.

The benefit arises from the Southern State Superannuation (Additional Income Protection for Police Officers) Variation Regulations 2012 and will be made through the Triple S Super SA scheme.

Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill 2012

The branch wrote to and lobbied the Opposition outlining its support for the Serious and Organised



Crime (Control) (Miscellaneous) Amendment Bill 2012, and the Statutes Amendment (Serious and Organised Crime) Bill 2012.

The branch argued for strong laws to investigate outlaw motorcycle gangs and that the government's bills take direct aim at eradicating serious criminal behaviour.

The Opposition supported the passage of the bills through Parliament.

South Australian Civil and Administrative Tribunal (SACAT)

The branch has written to Attorney-General John Rau, outlining its opposition to the establishment of the South Australian Civil and Administrative Tribunal (SACAT).

The generalized state government tribunal, if established, would usurp the role of the Police Disciplinary Tribunal (PDT), meaning that police disciplinary matters would be heard before a non-specialized body.

The PDT, as an essential element of the Police Act (1998) and Police Complaints and Disciplinary Proceedings Act (1995), exists because of the unique nature of the police profession.

Consolidating the PDT into a general administrative tribunal is wholly unsatisfactory. Presently, the PDT acts promptly and resolves many matters after proceedings are issued.

By contrast, applicants and parties who appear before the overburdened Victorian government administrative tribunal, suffer constant delays, which compromise justice.

The idea of subjecting our members and their discipline proceedings to the delays of such a tribunal is of great concern.

A further concern of the branch is that the PDT is a costs jurisdiction, whereas the proposed SACAT would not be.

This means that, if the employer (SAPOL) prosecutes a member, it would not be liable to pay for the costs of the member's defence in the event that the prosecution is unsuccessful.

Under the PDT, if a member's defence is successful, SAPOL is often required to pay that member's legal costs.

This provides an important deterrent to prosecuting for the sake of prosecuting. Without it, there is no deterrent to prosecuting a case that will likely be unsuccessful.

This is inherently unfair and runs counter to the interests of justice.

Legal defence

The branch has been at the forefront of protecting its members' legal interests. Of the many cases funded by the committee of management in the last year, two stand out.

Constable Norman Hoy

Branch member Constable Norman Hoy pleaded not guilty in the District Court to one count of aggravated assault. The prosecution case will be that, after an alleged incident on September 18, 2010, Constable Hoy assaulted petrol baron Yasser Shahin.

It was reported in The Advertiser that Mr Shahin retained Michael Abbott, QC, to file a complaint with the Police Complaints Authority, which led to the criminal charge.

Constable Hoy and his family have our full support. The committee of management has carefully considered the circumstances of this case and will fund the defence. The trial is set for January 2013.

Coronial inquest of Damien Kay

Branch lawyer, TGB's Morry Bailes, represented two members in the coronial inquest of Damien Kay.

The branch funded the legal representation of the two police – who detained Mr Kay under the Mental Health Act and took him to the Lyell McEwin Hospital for mental health assessment in September 2010 – after the Crown Solicitor's Office elected not to do so.

In making that decision, the Crown cited a conflict of interest because it was also representing the doctor who had determined Mr Kay was not a suicide risk and signed his release. Mr Kay committed suicide two days later.

In response to rigorous questioning by Mr Bailes, the doctor admitted not asking to see the suicide note, and that if he had read it he would not have released Mr Kay.

No adverse findings were made against the members involved in this matter.



Industrial

Shop Trading and Holidays Bill 2012

The branch joined other unions to support the push by the Shop Distributive and Allied Employees Association (SDA) to create two additional part-day public holidays in exchange for allowing shops to trade on public holidays.

Our members know what it is like to work inordinate hours on Christmas and New Year's Eve – and the benefits they miss out on.

Many of our members are rostered on New Year's Eve to start shift at 7pm and 7:30pm so they receive no payment at public-holiday rates for work performed after midnight. And many are then compelled to work overtime and might, because of that, work 12-hour shifts.

At the delegates meeting of February 22, overwhelming support for the passage of the bill through Parliament was proclaimed. Through a motion, carried unanimously, delegates directed the committee of management to lobby state politicians to support the bill.

The secretary and I lobbied Green, Independent and Family First members of the Upper House, wrote to all politicians, and made comment publicly in the media, outlining the branch's position.

Legislation was passed in March. This was a tremendous result for police who, for years, were subjected to a fundamentally unfair rostering practice. The public holidays will commence from 7pm until midnight on both days.

Country housing

The branch is presently before the Industrial Relations Commission regarding a dispute about the provision of government housing for police residing within 100km of the Adelaide GPO.

The branch's position is that all members who resided in government-subsidised housing before the announcement of the 100km policy should continue to receive their concessions.

And the branch is lobbying the government to exempt the towns of Murray Bridge, Tailem Bend and Mannum from the new policy, which does not provide government housing within 100km of Adelaide.

That policy, especially for towns such as Murray Bridge and Tailem Bend, is short-sighted and makes a mockery of community policing.

By not providing housing in townships such as Murray Bridge, police will choose (and have done so) to reside outside of the town in areas such as Mt Barker and Strathalbyn. Over time, fewer police will live in the township in which they work.

The branch firmly believes that this is a poor result for police service delivery in local communities.

Staffing

A special meeting of delegates took place of February 22 to discuss the branch's response to the government decision to delay police recruiting. Half of the additional 313 police, over and above attrition, will not be recruited by 2014 as originally pledged.

At the meeting, delegates moved to ensure that Premier Weatherill was made aware how negatively the delay in recruiting front-line resources would impact on the capacity of members to perform the duties required of them.

Delegates also indicated that, in the event that the issue could not be resolved, the branch should commit to a public awareness campaign highlighting the adverse impact of delayed recruiting on police and the communities they serve.


The branch has also encouraged members to report low staff numbers via PASAweb.

The Police Club

The Police Club turned 51, and is the only police club of its type left in Australia. The committee took the decision to engage the Basheer Hotel Group to operate the club as we set out to revitalize its operations.

The former business model would have meant the club would not have survived beyond this year.

Along with the appointment of the Basheer Group, new specific marketing initiatives have been implemented to encourage increased custom. The development of the front entrance will also assist in increasing the trade and profitability of the club.



Police lottery

The inaugural 2011 Police Lottery raised \$50,000 for Novita Children's Services, which awarded the branch the Novita Community Partnership Award. The success of the lottery encouraged the committee to conduct a second lottery in 2012. Novita will again be the nominated charity.

Step-Up

The Step Up occupational health and safety campaign was launched in order to encourage members to exercise their right to a safe workplace, and submit hazard incident reports whenever they are exposed to or identify a danger in the workplace.

It came about because of the continual anecdotal complaint that members felt unfairly targeted by managers if they reported hazards.

The culture of resistance to reporting hazards needed to be addressed; and the all-encompassing campaign has been warmly received.

Six nominations were received for the inaugural award. Safework Australia chair Tom Phillips and SA Unions secretary Janet Giles joined me on the judging panel.

All six nominees, and the issues they identified throughout the year, are of exceptional quality.

Members' Buying Guide

Launched in June, the buying guide has delivered discounts to members and their families on a range of household and lifestyle expenses.

Accessible through PASAweb, the buying guide only includes offers from providers who are exclusive to PASA members and deliver genuine savings or value.

More than 700 members have accessed the Romeos Grocery Card along with 1,000 retired members. Approximately 400 members have accessed the Power Direct electricity offer.

Corporate consultant Karen Tamm will look to extend the number and type of providers to the guide in the next 12 months.

The Police Journal

Published to an exceptionally high standard, the Police Journal's associate editor Brett Williams scored two major journalism awards since the last report. His outstanding feature Uncovering the children's horror (Police Journal, August 2011) won Best Feature in Print at the SA Press Club awards.

This feature also won Best Single Article of the Year at the Publishers Australia Excellence Awards in Sydney.

Brett's feature Shotgun Slaughter – The Survivors (Police Journal, August 2012) is nominated in this year's Walkley Awards. As Brett would underscore, none of this would be possible without the faith and trust our members and others bestow on Brett and the Police Journal.

The committee of management recognizes the long service and dedication Brett has given to the Police Journal and the branch is thrilled that his extraordinary commitment and exceptional writing skill have been recognised by his peers.

Mark Carroll
President



WESTERN AUSTRALIA

The Western Australian Police Union of Workers has delved into new territory this year after electing a new President. The Union has changed its direction to focus on campaigning for legislative change and increasing its political involvement. The Union continues to be a strong, prosperous organisation which has members' interests at the heart of all decisions and actions.

Annual Conference

The three-day Annual Conference was successfully held in June this year. Invited guests included the Premier, Leader of the Opposition, Minister for Police, Opposition Police Spokesperson, Police Commissioner, WA Police Executive and branch delegates. The conference included workshops for branch delegates and informative speeches by invited guests. The conference also included a range of motions that will be actioned during the next 12 months.

New President

George Tilbury was elected President of the WA Police Union after 17 years of involvement with the Union and serving more than two decades on the front line. Mr Tilbury took over the role from Russell Armstrong in June and since then, has campaigned for positive change within the organisation and Government.

Alcohol and Drug Testing

The Union received queries from members after the Western Australian Police Force put in place mandatory drug and alcohol testing. While the Union agrees with the mandatory tests, the manner in which the tests were conducted, what happens after a positive result and the punitive approach of the employer was questioned. After receiving correspondence from our members, the Union conducted an anonymous survey of members who indicated their concerns to us. A submission was then formulated and is now with the Police Commissioner. We await his response and hope our submission and suggestions for change will be positively received.

WAPU Forum

Earlier this year, the Union initiated a new members' forum on our website. The reasoning behind the forum was to increase ways for members to connect with each other, increase communication between the Union and members and for issues affecting members to be shared. Since the opening of the forum, more of our members have taken advantage of the platform and have been able to effectively communicate with members and Directors from across the State.

WAPU Centenary


Celebrating 100 years of the WA Police Union was done in style with a special dinner dance function held at the Hilton Hotel in Perth. The event saw the achievements of the Union over its history highlighted whilst looking at the future direction of the Union. The night included the announcement of the inaugural Dowd-Dempsey Award which was received by Sergeant Danny Fenton for his outstanding contribution to the Union. Police Minister, Liza Harvey addressed the guests and congratulated the Union on its remarkable achievements. Opposition Police Spokeswoman, Michelle Roberts also congratulated the Union on its achievements.

Detective Tenure

A move by the WA Police Force to implement a new WA Police Detective Portfolio Tenure Policy caused significant unrest among members. The interest and concern generated by this proposed policy change resulted in motions being moved at meetings, with a view to achieving the best possible outcome for members.

After limited consultation from WA Police on this issue, it made the decision to continue with implementation of the new policy, even though the Union undertook research and could value-add.

This decision aggrieved members to such an extent that they held a Special Meeting of Detectives. Several issues



were discussed and a number of motions were passed unanimously by all members present, including authorisation for action, should the need arise.

After communication between the Union and the Police Commissioner it was decided that the policy would be postponed and a further policy has been suggested that the Union believes will adequately address the concerns of Detectives.

Mark Johnson Assault Trial

The Union provided legal and moral support to Senior Constable Mark Johnson during his Magistrates Court trial and subsequent Loss of Confidence proceedings. This matter related to an incident where an arrest was affected at a major event and during that process Senior Constable Johnson was head butted and had his nose broken. While the Magistrate convicted Senior Constable Johnson of three counts of assault (which he said amounted to touches) the officer was reinstated after strong pressure from the Union and resultant media coverage.

The Union has lodged an appeal to overturn Senior Constable Johnson's conviction and sentence.

Police Auxiliary Officers

The Union has been actively pursuing a pay increase for all PAO's, who have not received an increase since the WA Police implemented an administrative wage increase of 2.75 per cent (at that time, the Perth Consumer Price Index value), on April 15, 2011.

It has been proposed that once the Industrial Agreement is negotiated and registered in the WAIRC the new Industrial Award will be finalised. On the basis of this concession it is anticipated that the Department of Commerce will allow the Employer to commence negotiations for an Industrial Agreement to be registered. It is unacceptable that PAO's have not yet received a pay increase and the Union has demanded that this situation be addressed as a matter of priority. WA Police advise that they have made the request to Commerce for this to occur, but are still waiting for a response.

Ryan Marron

Constable Ryan Marron was struck down with Murray Valley Encephalitis last year and since this devastating illness struck, the WA Police Union has

been campaigning on his behalf. The Union kicked off fundraising to send Constable Marron to the Rehabilitation Institute of Chicago for intensive rehabilitation therapy. The Union understands he has made some progress in his mobility and has now returned to Perth for further treatment.

The Union is also preparing a legal team to make an ex-gratia payment application to Government and anticipate that it will be a multi-million dollar amount.

Mandatory Sentencing Campaign

It has come to the Union's attention that charges of Assault Public Officer are being downgraded to simple assault charges in order to guarantee a guilty plea. This is clearly not the intent of the legislation which this Union fought hard to implement and so we have instructed members to share their experiences and knowledge of APO charges being downgraded.

Members' information will be collated to form a submission to Government. The Union regards safety and wellbeing as paramount importance and if this practice is occurring then immediate action needs to be taken to address this injustice. The community expects that officers are afforded appropriate protection whilst doing the job and a clear message needs to be sent that assaulting police officers is totally unacceptable. The legal team is currently collating responses and legal precedents.

Rostering

The WA Police Union worked with WA Police to implement a new, modern Rostering Policy, which provides for a wider use of 10-hour shifts. WAPU has campaigned tirelessly for many years to get the Rostering Policy changed so it reflects a positive work-life balance, and ensures officers are rostered in a fair, reasonable and equitable manner.

We believe the change to the Rostering Policy is one of WA Police's most contemporary decisions, supports the improvements already achieved in Clause 12 of the Industrial Agreement 2011 and reflects current industry standards. It will give members more direction in respect to rostering principles, and will provide guidelines for officers responsible for developing rosters in the workplace.



We believe 10-hour shifts give members greater flexibility, guarantees them at least two rostered weekly leave days off together, and provides shift overlaps that improve safety on the frontline.

Legislative Protection for Police during Emergency Driving

The WA Police Union has been campaigning for Government to implement as a matter of priority, legislative protection for police during emergency driving. As a result of a public campaign for protection, Government has given assurances that the legislation is being drafted as a matter of priority and it hopes to introduce the legislation at the earliest opportunity.

The Union deferred a potential ban on pursuits scheduled for October 1, because of advances in drafting the legislation. However, the Union has made it clear to Government that if the legislation is not sufficiently progressed in Parliament, that the pursuit ban will be enacted on December 5.

Continual correspondence from the Police Minister and the Union has been encouraging.

Conclusion

With a new direction and an energised team, the WA Police Union is determined to ensure that Police in WA are best placed to do one of the most courageous and taxing jobs in the country.

The Union looks forward to the next 12 months and continuing membership with the Police Federation of Australia.

George Tilbury
Branch President





NORTHERN TERRITORY

Overview

The Northern Territory jurisdiction remains unique in that the Federal Government can and does continue to intervene in our affairs. Often these interventions driven by Canberra based politicians and bureaucrats have a direct impact on operational members and their ability to protect the community. The ongoing federal intervention and the recent agreement with the Department of Immigration and Citizenship are just two examples. While the short term resource injections are hard for government and Police management to resist, our Branch remains concerned about the medium and long term impact of piecemeal tied federal funding will have on our Police Force.

On August 25 2012 the NT Election was held delivering power to the CLP for the first time since 2001. Mr Terry Mills will lead a CLP government as Chief Minister. There has been much commentary about the election result and where it was won and lost, in particular the loss of Labor bush seats with predominantly aboriginal populations who have "traditionally voted Labour. It is evident that the Coalition initiated intervention became Labours intervention and the creation of super shires, with arguably in adequate funding, cost the incumbent government at the ballot box.

Further analysis is for others: the reality for our Branch is that we are now working in a new political dynamic – and therefore industrial environment.

The new government has promised an extra 120 Police Officers of which 20 have been earmarked for Alice Springs. At the time of writing the recruitment has commenced, however, the exact schedule is not clear, nor where the extra numbers will be utilised.

The review commenced by former Chief Minister, Paul Henderson, will continue and has been expanded. How the government will respond to any recommendations is uncertain given they have already moved on resources. It is also unclear how the relationship between the CLP government and the Federal Government will effect funding arrangements for a multitude of NT Police positions in the short, medium, and long term.

It also remains to be seen how the government will ensure our operational members are provided the non-operational support that is critical to success.

The government moved quickly to remove the Banned Drinkers Register. In our view this was a decision based purely on ideology. It would have been prudent for the Chief Minister to assess its effectiveness from the comfort of the Treasury benches before acting.


Our branch is encouraging the CLP government to develop an alcohol policy based on advice from independent experts, including operational police, rather than the self-interested representatives of the liquor industry.

The Chief Minister also moved quickly to remove a number of departmental CEOs. While it is the prerogative of government to act in this way, it brings a level of uncertainty across government. The reappointment of the recently retired Commissioner for Public Employment back into that role makes it difficult to view as anything but a political appointment. It would seem that the recent retirement was as political as the Lazarus like comeback.

In light of this appointment we are entitled to ponder what agenda Mr. Simpson and the government have in an industrial sense. The wisdom of this decision will be tested during our 2014 wage negotiations.

Of course it is reasonable to expect any new government will take some time to find its feet and some decisions made early on may prove difficult to comprehend, however, our Branch is well placed to work with Mr. Mills and his government. We have never favoured either political party and we look forward to working with Mr. Mills and the CLP government.

On that note it would be remiss of our Branch not to acknowledge former Chief Minister and Police Minister, Paul Henderson, for his contribution to the Territory and our Police Force. Mr. Henderson was one of the longest serving Police Ministers in Australia and I think the Northern Territory's longest. Our Branch wishes him well in the future.



In January 2012 an aboriginal man died in police custody in Alice Springs. This tragic death focused the national media spotlight on our Police Force and the shameful ongoing alcohol-fuelled tragedy that unfolds every day in Alice Springs and across the territory.

The unfortunate and tragic circumstances of the death of Mr. Briscoe led to a great amount of reflection and review of police practices in watch houses and court cells, culminating in significant changes in standard operating procedures and a rewrite of the custody manual. The Coroner, Mr. Greg Cavenagh SM, handed down his findings into the circumstances surrounding Mr. Briscoe's death and made a number of recommendations for both the Commissioner of Police and the NT Government to consider. The Commissioner had already implemented significant reforms and has agreed to implement the further changes recommended by the Coroner.

The past 12 months have also been busy on a variety of other fronts, a summary of which is set out below.

Requests for Changes to Legislation

Our Branch has written to government seeking the introduction of "one punch" legislation to ensure offenders who carelessly or recklessly cause the death of another person, either in alcohol-fuelled or other violent interaction, are properly dealt with through the courts. The catalyst for this request was the unfortunate incident in which an NT Police Officer, Sergeant Brett Meredith, was killed in Katherine at the beginning of 2009 after being "sucker-punched" by another patron at a hotel that Sergeant Meredith had been drinking at whilst off-duty.

We also wrote to the Attorney-General on 28 March 2012 seeking amendments to section 145 of the *Police Administration Act* to strengthen police powers in seeking non-consensual orders for intimate procedures on offenders who in the course of their arrest or other interaction with police, have spat on, bitten or otherwise assaulted a police officer in such a way as to have transferred or likely to have transferred blood or other bodily fluids to the officer; thereby exposing that officer to the possible risk of blood-borne and other disease and infection.

This change is in line with employer obligations to protect the health and safety of employees under the model occupational health and safety laws now in place in a majority of Australian jurisdictions.

Project Acacia

The Commonwealth has entered into an agreement with the Northern Territory Government to recruit 92 extra police to provide a ready response group, referred to as the "Metropolitan Patrol Group" (MPG) and given the title of "Project Acacia", for immediate deployment to the Darwin Immigration Detention Centre on a 24 hour, 7 day a week basis.

The NTPA has been actively monitoring the recruitment process and proposed duties, roles and functions of the MPG as it is brought into operational existence.

National OH&S Code of Practice

The NTPA's Industrial and Legal Officer has been assisting the Police Federation of Australia in his capacity as a member of the OH&S Sub-committee in drafting the proposed model National OH&S Code of Practice for all police forces throughout Australia (excluding Western Australia and South Australia until they pass versions of the model OH&S laws).

Supreme Court Challenge

The NTPA Branch this year initiated action against the Commissioner of Police in the matter of *Holmes & Bolgar v Commissioner of Police* [2011] NTSC 108. This matter arose out of disciplinary proceedings against two members facing allegations of improper conduct in the arrest and subsequent transporting of an aboriginal person to the Darwin Watch House. The details of the disciplinary proceedings are irrelevant, other than to say that Notices of Alleged Serious Breach of Discipline were not served on the two members involved in the matter until some 10 months after the complaint had been received and that the charging of those two members with alleged serious breaches of discipline was not done until approximately 13 months after the receipt of the complaint (the investigating officer had sought extensions to the time allowed for the conduct of an investigation pursuant to section 82(3) of the Act but had not sought any extension to s.162(6)).

The NTPA immediately took the position that any disciplinary action against our members was statute barred because of the effect of s. 162(6) of the *Police Administration Act*, which states that an "action" against a member of the Police Force under Part IV of the Act (i.e. disciplinary action) must be commenced within 6 months of the matter relevant to the disciplinary



procedures being discovered or such further time applied for under that section. It was our view that the term "action" in this sense meant the charging of the members with a disciplinary offence and not the initial service of a s.79 Notice.

Counsel assisting the hearing officer in this matter put an alternative view, which the hearing officer accepted. This led to our Branch mounting a challenge by way of judicial review in the Northern Territory Supreme Court. The motion was upheld and injunctive relief granted to the members concerned.

This decision was important because it provided clear judicial guidance and definitive interpretation of how the formal disciplinary process is to be undertaken. Perhaps the only downside is that since this decision has been handed down, the Ethical Standards Division (formerly the Ethical & Professional Standards Command) and the Deputy Commissioner have determined timeframes under the Act are sacrosanct and no extensions to the 7 day response period to a s.79 Notice of Alleged Serious Breach of Discipline will be considered.

Conclusion

The above summary highlights another busy year for the NT branch of the PFA. The challenges to ensure adequate resourcing of our Police Force cannot be understated.

As indicated in our 2011 summary, the ongoing policing challenges for our members and our branch are to ensure that we make a valid contribution to improving the lives of the many disadvantaged Aboriginal people who live across our Territory while ensuring that all Territorians can live in safety.

The work of our members will run parallel to our ongoing efforts to protect the industrial, legal, and personal rights of our members and their families.

Vince Kelly
Branch President





ASSOCIATES' REPORTS

QUEENSLAND

The 2011-2012 year proved to be one of the Queensland Police Union's busiest years on record, even surpassing 2010 and now, 2012 has already shaped up to be exactly the same, as well as being a year of great positive change.

2011-2012 has proved to be one of the biggest years yet for change for all police in Queensland, with a change of state government, and a federal government limping along and this shows no sign of abating.

With the new focus of direction in Queensland and finally an 'in touch' and 'Can Do' state government, all Queenslanders are facing interesting yet uncertain times for getting Queensland back on track as the new Newman Government runs their so called reforms at full tilt as they hold 78 out of 89 seats in our unicameral Parliament.

We as a Union continue to be a united force both internally and externally. As a united force willing to work with a state government which is finally willing to work with all stakeholders, we are turning a corner.

Change does not come swiftly, however with the new government we have already seen the promise of a new dawn for police, with a massive surge in police numbers promised, criminal and civil protection legislation being formulated, and many other commitments that the LNP have made for all police.

Although it hasn't all been positive. Police have not been spared cuts, and these have been made to administrative staff with 332 positions to go in the next 12 months, which is on top of the 330 civilian support staff jobs Anna Bligh's Labor government ripped from the Police service in their final year in government last year.

So the Union still has a massive fight on our hands, and we will continue to ensure that we are a force to be reckoned with, and that all members are a united, stabilised, and progressive unit to fight for our rights.

Over this last year we've continued to make the Queensland Police Union financially strong and cemented our credibility and respectability as a powerful force in Queensland.

Our Union Policy Unit continues to go strongly and we've lodged government submissions on criminal and civil protection and have worked very closely with the LNP Government to offer our views on the best ways to implement proactive and productive QPS policy.

The Police Union Women's Network continues to increase women's involvement generally and in the Union and they are doing a great job.


We also continue our full support for all members at critical incidents too, 24 hours a day, seven days a week, 365 days a year, with an average of at least one to two union officials and additional union staff and lawyers attending all critical incidents to ensure our rights are protected.

We have had some dark times. We acknowledge and remembered the sad loss of two of our members at 2011's Police Remembrance Day, Sgt Dan Stiller and Detective Senior Constable Damian Leeding. Both men gave their lives when they did nothing other than turn up to work. This is the unique nature of our job.

We've also had a string of legal victories, winning the past five Queensland Civil and Administrative Tribunal decisions, showing both the Queensland Police Service and the CMC that you cannot single out a public servant just because he's a police officer for more severe treatment. We have appeared for members at coronial inquests, and while some are ongoing, we will continue to vigorously defend police in these arenas.

These actions always mean our bottom line takes a hit, but we are all committed to the philosophy of not sparing a cent when it comes to ensuring our members are properly represented. We are still, several years later, in the midst of an inquest into a death in Townsville and this has already cost the Union almost \$800,000. While this is a significant outlay we hope to be reimbursed when the matter draws to a close.

Police are members of the community, we're not robots and regrettably some police sometimes do some silly things.



We will always defend those police who have made silly mistakes or have acted in good faith in the line of duty. We pride ourselves on offering the best service of any union in Queensland and I think in 2011-2012 we've delivered.

We raised over \$120,000 in our flood appeal for all members of the police family that we gave out straight away. We raised funds also for both Julie Stiller and Sonya Leeding and their families too.

But while we've had a string of legal and QCAT victories, that's only part of the Queensland Police Union 2011-2012 story. As we all know, we're an industrial organisation that has many other facets.

We've seen in recent months the plans drawn up for squad numbers at the Academy to increase. The increases in recruit numbers is accounting for the LNP's commitment to increase police numbers at a level that is threefold greater than Labor had delivered in recent years.

New additional police numbers were capped by the previous Bligh Labor Government at about 99 police per year.

Our campaign to have "More feet walking the Beat" was heard by the entire Queensland community and they voted at the ballot box for change.

2012 is already shaping up to be exactly the same, as well as being a year of great positive change.

Now we will have 1,100 new additional police on the front line over the next four years, as well as 200 extra police back in operational roles and we thank the Premier for listening to all Queenslanders and understanding just how under-staffed and over-stretched the QPS has become under labor's neglect.

We finalised our Enterprise Bargaining campaign and we saw our perseverance through arbitration at the Industrial Relations Commission produce a good result.

While this is a year of consolidation, our next enterprise bargaining for 2013 will remain at the forefront of our minds in 2012.

We continue to be at the forefront of Workplace Health and Safety too. Our workplace health and safety officer will happily intervene in all workplace health and safety issues. It's tough enough facing the threats out there in the job without our workplaces being deficient.

We continue to be very active in the media and we work closely with them to highlight our issues and concerns. While we don't always see eye to eye, I thank them for when they have assisted us, because at the end of the day we are making a real difference giving police real representation.

I also want to thank a few people who have helped make 2011-2012 a success, firstly General Secretary Mick Barnes, Assistant Secretary Denis Sycz, and Vice-President Shayne Maxwell, who relieves as Union President from time to time, who all do a great job supporting me. I thank my entire Executive who work tirelessly for police across Queensland. I thank all of our hard working branch officials. You really go above and beyond. And all of our committed and hard-working QPUE staff. No problem is too big or small.

Finally, I want to thank you, each and every member of the QPUE, for it is because of you that we are strong and it is because of you that we exist to make a difference.

Ian Leavers
General President and CEO



FINANCIAL STATEMENTS

POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

FINANCIAL STATEMENTS

for the year ended 30 June 2012

TREASURER'S REPORT

It is my pleasure once again to provide this financial report to members.

As reported on in last years' report, the most pleasing aspect of the 2011-12 Financial Statements is the fact that the PFA is now debt free, having paid off our Canberra building, putting us in a strong financial position for the future.

Affiliation fees from Branches increased by \$28,016. Whilst there was only a slight increase in rent income from our downstairs offices, we have signed new leases or exercised lease options with both tenants during the past 12 months which will see an increase in rental income in the 2012-13 financial year. At the same time, our expenditure decreased by \$63,734 giving us a net surplus for the year of \$50,811.

As this is the last year of the Police at Work Project with Sydney University you will notice a decrease in both the income for research contributions as well as the expenditure on research.

Salaries have increased in line with an additional full time employee, and there has been a \$58,778 increase in Delegation Expenses which are the result of increases in consultancy fees, conference and executive expenses, however all these expenses were duly budgeted for in the 2011-12 Executive Budget. You will also note that we have more than halved our annual leave provision by reducing overall annual leave accrued and at the same time continued to make sufficient provision for our long service leave obligations thus ensuring that all employee entitlements are accounted for.

Our accumulated funds now stand at \$1,040,306. You will note that our office is valued at \$1,150,000 however branches could be confident that based on recent sales in that area, if sold, the property we would gain much more than the valuation price.

Our Office Manager Debbie Martiniello and our Auditor Tom Tsia have continued to present our accounts in a professional and diligent manner. Much has been said of recent times about union administration and governance. Members of the Police Federation of Australia can be confident in the governance and accountability within their organization. You will note in the Chief Executive Officer's Report the decision taken to engage legal advice on both the PFA rules and policies, not only to ensure that we are complying with current legislation, but to ensure that our operations are transparent and accountable to members. I was happy to second that motion when it came before the Executive.

In closing I once again thank my Executive colleagues and the PFA staff for their continued support and I commend the accounts to the Federal Council.

Randolph Wierenga
Treasurer

POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

COMMITTEE OF MANAGEMENT'S STATEMENT

On the day of October 2012, the Committee of Management of the Police Federation of Australia passed the following resolution in relation to the general purpose financial report (GPFR) of the reporting unit for the financial year ended 30 June 2012.

The committee of Management declares in relation to the GPFR that in its opinion:

- a. the financial statements and notes comply with the Australian Accounting Standards;
- b. the financial statements and notes comply with the reporting guidelines of the Industrial Registrar;
- c. the financial statements and notes give a true and fair view of the financial performance, financial position and cash flows of the reporting unit for the financial year to which they relate;
- d. there are reasonable grounds to believe that the reporting unit will be able to pay its debts as and when they become due and payable;
- e. during the financial year to which the GPFR relates and since the end of that year:
 - i. meetings of the committee of management were held in accordance with the rules of the Federation including the rules of a branch concerned; and
 - ii. the financial affairs of the reporting unit have been managed in accordance with the rules of the Federation including the rules of the branch concerned; and
 - iii. the financial records of the reporting unit have been kept and maintained in accordance with the RAO Schedule and the RAO Regulations; and
 - iv. the financial records of the reporting unit have been kept, as far as practicable, in a consistent manner to each of the other reporting units of the Federation; and
 - v. the information sought in any request of a member of the reporting unit or a Registrar duly made under section 272 of the RAO Schedule has been furnished to the member of Registrar; and
 - vi. there has been compliance with any order for inspection of financial records made by the Commission under section 273 of the RAO Schedule.
- f. In relation to the recovery of wages activity
 - i. There were no recovery of wages activity for the Police Federation of Australia for the year ended 30th June 2012.

For Committee of Management:



Treasurer Randolph Wierenga

Date: 11th day of October 2012



President Vincent Kelly



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

OPERATING REPORT

- a. The PFA's principal activities throughout the year were determined by the 2011 Federal Council Meeting and have been coordinated by the Federal Executive.
 - The key issue was the pursuit of commitments given by the Federal Government in the lead up to the 2010 Federal Election in response to the PFA's pre-election document "Creating a Safer Australia – Police Federation of Australia's Plan 2010-13"
 - That document contained a total of 29 issues that the PFA raised seeking the commitment of all political parties on behalf of members
 - The document and all political responses were published and are available on the PFA website
 - For a full detailed report on the PFA's 2011/12 activities the PFA's Annual Report, in which the PFA's full financial statement is also published, is available on the PFA website www.pfa.org.au
- b. There have been no significant changes in the financial affairs of the PFA during the past year.
- c. A member may resign from membership of the Federation by notice in writing addressed and delivered to the Secretary of the member's Branch, Zone Secretary or Chief Executive Officer, as per PFA Rule 11 (b).
- d. No officers of the PFA hold any position in relation to Superannuation entities.
- e. Prescribed information as per Regulation 159:
 - i. At the 30 June 2012 the PFA had 45,950 members.
 - ii. At 30 June 2012 the PFA had three (4) employees.
 - iii. Committee of Management 1/7/11 – 30/6/12

| | |
|-------------------|--|
| Vince Kelly | (Northern Territory) |
| Jon Hunt Sharman | (Australian Federal Police) |
| Brian Rix | (Victoria) |
| Randolph Wierenga | (Tasmania) |
| Mark Carroll | (South Australia) |
| Russell Armstrong | (Western Australia) resigned 18 June 2012 |
| George Tilbury | (Western Australia) appointed 18 June 2012 |
| Scott Weber | (New South Wales) |

For Committee of Management:

Vince Kelly
President

Dated this 11th day of October 2012



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

INDEPENDENT AUDIT REPORT

To the members of the Police Federation of Australia

Report on the Financial Statement

I have audited the accompanying financial report of the Police Federation of Australia for the year ended 30th June 2012 which comprises the statement of financial position, the statement of comprehensive income, statement of changes in equity, statement of cash flows, a summary of significant accounting policies and other explanatory notes and the Committee of Management statement.

Committee of Management's Responsibility for the Financial Report

The Committee of Management is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Fair Work (Registered Organisations) Act 2009*. This responsibility includes designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I have conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the management as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

INDEPENDENT AUDIT REPORT (CONTINUED)

Independence

In conducting my audit, I have complied with the applicable independence requirements of the Australian professional ethical pronouncements.

Audit Opinion

In my opinion, the general purpose financial report of the Police Federation of Australia is presented fairly in accordance with applicable Australian Accounting Standards and the requirements imposed by Part 3 of Chapter 8 of the *Fair Work (Registered Organisations) Act 2009*.

SIGNED AT CANBERRA this 5th day of October 2012

LOI KAH TSIA, B. Com., F.C.A.
Chartered Accountant
Registered Company Auditor
Suite 201, 2nd Floor
309 Pitt Street
SYDNEY NSW 2000

Liability limited by a scheme approved under Professional Standards Legislation



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

RECOVERY OF WAGES ACTIVITY STATEMENT

financial year ended 30th june 2012

Based on representations made to me by my client, the Police Federation of Australia, and my audit work undertaken for the year ended 30 June 2012, it appears that there were no recovery of wages activity for the Police federation of Australia for the year then ended.

SIGNED AT CANBERRA this 5th day of October 2012



LOI KAHTSIA, B. Com., F.C.A.
Chartered Accountant
Registered Company Auditor
Suite 201, 2nd Floor
309 Pitt Street
Sydney NSW 2000



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

STATEMENT OF FINANCIAL POSITION

as at 30 June 2012

| | Notes | 2012 | 2011 |
|---|-------|-------------------|-------------------|
| Accumulated Funds | | | |
| Retained Earnings | | \$ 1040306 | \$ 989495 |
| Reserves | | <u>153751</u> | <u>153751</u> |
| | | <u>\$ 1194057</u> | <u>\$ 1143246</u> |
| Represented by | | | |
| Current Assets | | | |
| PCU Easy Access account | | 78192 | 57405 |
| PCU Market Link account | | 57151 | 204949 |
| PCU Savings Plus account | | 71579 | 59071 |
| PCU membership fees | | 10 | 10 |
| Cash on hand | 3 | 26 | 1 |
| Amounts due from branches | 4 | <u>22610</u> | <u>32721</u> |
| | | <u>229568</u> | <u>354157</u> |
| Non Current Assets | | | |
| Property - 21 Murray Crescent | | | |
| Griffith ACT – At Independent Valuation | 5 | 1150000 | 1150000 |
| Plant & Equipment | | 30784 | |
| Less provision for depreciation | | <u>20175</u> | <u>13161</u> |
| Motor vehicle | | 38690 | |
| Less provision for depreciation | | <u>20797</u> | <u>23697</u> |
| | | <u>1178502</u> | <u>1186858</u> |
| Total Assets | | <u>1408070</u> | <u>1541015</u> |
| Less Current Liabilities | | | |
| Trade creditors and accruals | 6 | 69847 | 61200 |
| PCU loan | | - | 205920 |
| Provision for annual leave | 7 | 15514 | 26848 |
| Provision for long service leave | 8 | 119760 | 99808 |
| Provision for GST | | <u>8892</u> | <u>3993</u> |
| Total liabilities | | <u>214013</u> | <u>397769</u> |
| Net Assets | | <u>\$ 1194057</u> | <u>\$ 1143246</u> |

POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

STATEMENT OF COMPREHENSIVE INCOME

for the year ended 30 june 2012

| | Notes | 2012 | 2011 |
|---|-------|-------------------|-------------------|
| Income | | | |
| Affiliation fees from branches | 9 | 939041 | 911025 |
| Interest received | | 4996 | 10392 |
| Rents received | | 54835 | 51607 |
| Research contributions | | 40000 | 80000 |
| | | <u>\$ 1038872</u> | <u>\$ 1053024</u> |
| Less expenditure | | | |
| Audit and accounting fees | 10 | 24200 | 25700 |
| Annual leave | 7 | 15785 | 37188 |
| ACTU Affiliation fees | 11 | 83015 | 79157 |
| Bank charges and duties | | 763 | 142 |
| Computer and website design | | 27528 | 29921 |
| Delegation expenses | 12 | 306495 | 247717 |
| Depreciation | 13 | 8356 | 8554 |
| FBT | | 18093 | 22823 |
| General office expenses | 14 | 24165 | 18096 |
| Industrial Relation Campaign | | - | 25723 |
| Insurances | | 9244 | 14360 |
| Legal fees | | 1501 | 12839 |
| Long service leave | 8 | 19952 | 13960 |
| Motor vehicle expenses | | 8525 | 28693 |
| National Memorial expenses | 15 | 11177 | 11770 |
| Property expenses | 16 | 51589 | 54858 |
| Research expenses | 17 | 20000 | 100000 |
| Salary & packaging | | 242831 | 189818 |
| Superannuation | | 109856 | 119685 |
| Telephone | | 4986 | 10791 |
| Total Expenditure | | <u>988061</u> | <u>1051795</u> |
| Net Surplus for the year | | 50811 | 1229 |
| Accumulated funds at beginning of year | | <u>989495</u> | <u>988266</u> |
| Accumulated funds at end of year | | <u>\$ 1040306</u> | <u>\$ 989495</u> |



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

STATEMENT OF CHANGES IN EQUITY

for the year ended 30 June 2012

| | Retained Earnings | Asset Revaluation Reserve | Total |
|-------------------------------|----------------------|---------------------------------|------------|
| Balance as at 30th June 2009 | 909820 | - | 909820 |
| Net Surplus for the year 2010 | 78446 | - | 78446 |
| Revaluation Increments 2010 | | 153751 | 153751 |
| Balance as at 30th June 2010 | 988266 | 153751 | 1142017 |
| Net Surplus for the year 2011 | 1229 | - | 1229 |
| Balance as at 30th June 2011 | 989495 | 153,751 | 1143246 |
| Net Surplus for the year 2012 | 50811 | - | 50811 |
| Balance as at 30th June 2012 | \$ 1040306 | 153751 | \$ 1194057 |

POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

STATEMENT OF CASH FLOWS

for the year ended 30 June 2012

| | 2012 | 2011 |
|---|------------------|------------------|
| Cash Flow from Operating Activities | | |
| Receipts from Members | 1040617 | 956023 |
| Interest Received | 4996 | 10392 |
| Rents Received | 60318 | 56714 |
| Research Contributions Received | 44000 | 88000 |
| Reimbursements and other income | 58108 | 44926 |
| Total Cash Received | <u>1208039</u> | <u>1156055</u> |
| Less Cash Flow from Investing & Financial Activities | | |
| Payment of Employee's Entitlement | 377223 | 355017 |
| Payment of Loans to PCU | 57271 | 84000 |
| Payment of ACTU Affiliation Fee | 91316 | 87073 |
| Payment of Research Sydney University | 22000 | 110000 |
| Payment of Other Expenses | 756581 | 576009 |
| Payment of FBT | 18126 | 18259 |
| Total Expenditure | <u>1322517</u> | <u>1230358</u> |
| Net Increase (Decrease) in Cash Held | (114478) | (74303) |
| Cash at the Beginning of Financial Year | <u>321436</u> | <u>395739</u> |
| Cash at the End of the Financial Year | <u>\$ 206958</u> | <u>\$ 321436</u> |

Cash Reconciliation

For the purpose of the Statement of Cash Flows, cash at the end of the financial year is reconciled to the following items in the Statement of Financial Position.

| | | |
|----------------------------------|------------------|------------------|
| Cash with financial institutions | <u>\$ 206958</u> | <u>\$ 321436</u> |
| PCU Easy Access Account | 78192 | 57405 |
| PCU Market Linked Account | 57151 | 204949 |
| PCU Savings Plus Account | 71579 | 59071 |
| PCU Membership Fees | 10 | 10 |
| Cash on Hand | <u>26</u> | <u>1</u> |
| | <u>\$ 206958</u> | <u>\$ 321436</u> |



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2012

I. Statement of Significant Accounting Policies

The financial report is a general purpose report that has been prepared in accordance with Australian Accounting Standards, Accounting interpretations, other authoritative pronouncements of the Australian Accounting Board and the Fair Work (Registered Organisations) Act 2009.

The financial report covers the Police Federation of Australia (the Federation) as an individual entity. The financial report has been prepared on an accruals basis and is based on historical costs and does not take into account changing money values or except where stated. Cost is based on the fair values of the consideration given in exchange for assets. The accounting policies have been consistently applied unless otherwise stated.

The following is a summary of the significant accounting policies adopted by the Federation in the preparation of the financial report.

Accounting Policies

a. Income Tax

The Federation, being a trade union, is exempt from income tax including capital gains tax, by virtue of the provision of section 50-5 of the Income Tax Assessment Act 1997.

b. Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with the Police Credit Union.

c. Investment Property

Investment property comprising land and building is held primarily for its own use as an office. All tenant leases are held on an arm's length basis. Investment property is carried at fair value, determined annually by the Committee of Management based on prices in an active market for similar property in the same location.

d. Revenue

Revenue is recognised upon receipt of funds deposited into the bank account in relation to invoices rendered to all branches of the Federation. Membership incomes have been accounted for on a mix of cash and accrual basis. Membership fees outstanding at balance sheet date have been brought into account as amount due from branches. Membership fees relating to the unexpired part of the membership year are deferred and recognised as income in the next financial year. These are shown as receipt in advance on the financial report.

Interest revenue is recognised when received and credited to the bank account. Rental revenue is recognised in the period to which it relates. All revenue is stated net of the amount of goods and services tax (GST).

POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2012

e. Property, Plant and Equipment

Each class of property and equipment is carried at cost or fair value less, where applicable, any accumulated depreciation and impairment losses.

Property

Land and building is carried at independent valuation. The carrying amount is reviewed annually by the Committee of Management to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash flows which will be received from the assets employment and subsequent disposal. The expected net cash flows have not been discounted to present values in determining recoverable amounts.

Plant and Equipment

All other items of plant and equipment are recorded at cost less depreciation and impairment losses

The carrying amount of plant and equipment is reviewed annually by the Committee of Management to ensure it is not in excess of the recoverable amount from those assets. The recoverable amount is assessed on the basis of the expected cash flows which will be received from the assets employment and subsequent disposal. The expected net cash flows have not been discounted to present value in determining recoverable amounts

Depreciation

The depreciation rates and method are based on their estimated useful lives commencing from the time it is held ready for use. The depreciation rates and method used for each class of depreciable assets are:-

| Asset Class | Depreciation Rate | Depreciation Method |
|----------------------------|-------------------|---------------------|
| Office Plant and Equipment | 7.5%-20% | Straight Line |
| Motor vehicles | 15% | Straight Line |

The asset's residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains or losses are included in the Income Statement.



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 june 2012

| | 2012 | 2011 |
|--|-------------------|-------------------|
| Land and Building | | |
| Carrying amount at the beginning of the year | 1150000 | 1150000 |
| Carrying amount at the end of the year | <u>\$ 1150000</u> | <u>\$ 1150000</u> |
| Plant and equipment | | |
| Carrying amount at the beginning of the year | 13161 | 15911 |
| Additions | - | - |
| Depreciation | (2552) | (2750) |
| Write off | - | - |
| Carrying amount at the end of the year | <u>\$ 10609</u> | <u>\$ 13161</u> |
| Motor vehicle | | |
| Carrying amount at the beginning of the year | 23697 | 29501 |
| Depreciation | (5804) | (5804) |
| Carrying amount at the end of the year | <u>\$ 17893</u> | <u>\$ 23697</u> |



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2012

f. Employee Entitlements

Provisions for employee benefits in the form of Long Service Leave and Accrued Annual Leave have been made for the estimated accrued entitlements of all employees on the basis of their terms of employment. Long Service Leave has been calculated with reference to period of service and current salary rates. Contributions made by the Federation to an employee superannuation fund are charged as expense in the statement of comprehensive income when paid.

g. Leases

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor are charged as expenses in the statement of comprehensive income in the periods in which they are incurred.

h. Goods and Services Tax (GST)

All incomes, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

i. Reserves

The Asset Revaluation Reserve records revaluation of non current assets – land and building. The revaluation surplus was transferred to the Asset Revaluation Reserve.

j. Trade and other payables

Trade and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the Federation during the reporting period which remain unpaid. The balance is recognised as current liability with the amount normally paid within 30 days of recognition of the liability.

k. Comparative information

When required by Accounting Standards, comparative figures have been adjusted to confirm to changes in presentation for the current financial year.



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2012

2. Information to be Provided to Members or General Manager

In accordance with the requirements of the Fair Work (Registered Organisations) Act 2009, the attention of members is drawn to the provisions of sub-Sections (1), (2) and (3) of Section 272 which read as follows:

1. A member of a reporting unit, or the general manager, may apply to the reporting unit for specified prescribed information in relation to the reporting unit to be made available to the person making the application.
2. The application must be in writing and must specify the period within which, and the manner in which, the information is to be made available. The period must not be less than 14 days after the application is given to the reporting unit.
3. A reporting unit must comply with an application made under subsection (1).

| | 2012 | 2011 |
|---|-------------------|-------------------|
| 3. Cash on Hand | | |
| Petty Cash | <u>\$ 26</u> | <u>\$ 1</u> |
| 4. Amount due from branches | | |
| Police Association of South Australia | 316 | 6819 |
| Police Association of Victoria | - | 17442 |
| New Zealand Police Association | 6480 | 8460 |
| QLD Police Union | <u>15814</u> | <u>-</u> |
| | <u>\$ 22610</u> | <u>\$ 32721</u> |
| 5. Property at Independent Valuation | | |
| 21 Murray Crescent Griffith ACT | | |
| Settled on 24.1.2003 – cost | 996249 | 996249 |
| Independent Valuation Increment by | | |
| Herron Todd White on 15.4.2010 | <u>153751</u> | <u>153751</u> |
| | <u>\$ 1150000</u> | <u>\$ 1150000</u> |

POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 june 2012

| | 2012 | 2011 |
|--|------------------|------------------|
| 6. Creditors and accruals | | |
| PAYG re staff wages | 7524 | 4941 |
| Audit & accounting fees | 25850 | 25850 |
| Various expenses | 31942 | 25845 |
| Fringe Benefit Tax | 4531 | 4564 |
| | <u>\$ 69847</u> | <u>\$ 61200</u> |
| 7. Provision for Annual Leave | | |
| Balance as at 1.7.2011 | 26848 | 10975 |
| Add additional provision for the year | <u>15785</u> | <u>37188</u> |
| | 42633 | 48163 |
| Less paid during the year | <u>27119</u> | <u>21315</u> |
| Balance as at 30.6.2012 | <u>15514</u> | <u>\$ 26848</u> |
| 8. Provision for Long Service Leave | | |
| Balance as at 1.7.2011 | 99808 | 85848 |
| Add additional provision for the year | <u>19952</u> | <u>13960</u> |
| Balance as at 30.6.2012 | <u>119760</u> | <u>\$ 99808</u> |
| 9. Affiliation Fees from Branches | | |
| Australian Federal Police Union | 67473 | 62777 |
| Police Association of NSW | 265900 | 235641 |
| Police Association of NZ | 24314 | 14351 |
| Police Association of SA | 76214 | 74394 |
| Police Association of Tasmania | 20832 | 20437 |
| Northern Territory Police Union | 22245 | 28399 |
| Queensland Police Union | 172520 | 170657 |
| Police Association of Victoria | 197114 | 211693 |
| Western Australia Police Union | 92429 | 92676 |
| | <u>\$ 939041</u> | <u>\$ 911025</u> |



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2012

| | 2012 | 2011 |
|---|------------------|------------------|
| 10. Auditor's Remuneration | | |
| Audit fees | 8500 | 8500 |
| Other services | 15700 | 17200 |
| | <u>\$ 24200</u> | <u>\$ 25700</u> |
| 11. ACTU Affiliation Fees | | |
| Normal affiliation fee | <u>\$ 83015</u> | <u>\$ 79157</u> |
| 12. Delegation Expenses | | |
| Consultancy fees | 19746 | 6279 |
| Conference expenses | 34295 | 25707 |
| Executive expenses | 180399 | 117054 |
| IPC | 25155 | 24453 |
| WAC | 12554 | 15931 |
| APPSC/PSITAB | 10172 | 10868 |
| Federal Council | 24174 | 47425 |
| | <u>\$ 306495</u> | <u>\$ 247717</u> |
| Delegates are not paid any fees or allowances to attend conferences or executive meetings | | |
| 13. Depreciation | | |
| Plant and Equipment | 2552 | 2750 |
| Motor Vehicle | 5804 | 5804 |
| | <u>\$ 8356</u> | <u>\$ 8554</u> |
| 14. General Office Expenses | | |
| Filing fees | 491 | 259 |
| Police Superannuation Administrative fees | 346 | 400 |
| Printing, stationery & postage | 7526 | 9707 |
| Sundry office | 13052 | 6530 |
| Welfare assistance | 2750 | 1200 |
| | <u>\$ 24165</u> | <u>\$ 18096</u> |

POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2012

| | 2012 | 2011 |
|---|-----------------|------------------|
| 15. National Police Memorial Expenses | | |
| Executive expenses | <u>\$ 11177</u> | <u>\$ 11770</u> |
| 16. Property Expenses | | |
| Cleaning & waste disposals | 3300 | 3000 |
| Council rates | 10287 | 9997 |
| Insurance | 3068 | 2081 |
| Interest - PCU | 1351 | 15399 |
| Land tax | 11110 | 11580 |
| Light & power | 2948 | 2946 |
| Repairs & maintenance | 17662 | 8144 |
| Water rates | <u>1863</u> | <u>1711</u> |
| | <u>\$ 51589</u> | <u>\$ 54858</u> |
| 17. Research Expenses | | |
| Paid to University of Sydney | <u>\$ 20000</u> | <u>\$ 100000</u> |
| 18. Employees Benefits | | |
| Employees benefit to holders of office | | |
| Wage and salary | - | - |
| Annual leave paid to employees | - | - |
| Annual leave provision | - | - |
| Long service leave paid | - | - |
| Long service leave provision | - | - |
| Superannuation | - | - |
| Employees benefit to employees (other than holders of office) | | |
| Wage and salary | 242831 | 189818 |
| Annual leave paid to employees (see note 9) | 27119 | 21315 |
| Annual leave provision (see note 9) | 15785 | 37188 |
| Long service leave paid | - | - |
| Long service leave provision (see note 10) | 19952 | 13960 |
| Superannuation | 109856 | 119685 |



POLICE FEDERATION OF AUSTRALIA

ABN 31 384 184 778

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2012

19. Events After the Balance Date

Since the end of the financial year, there are no known events financial or otherwise that would impact materially on the financial statements of the entity as at 30th June 2012.

20. Contingent Liabilities

The Committee of management is not aware of any contingent liabilities during the year.

21. Related Parties Transactions

There are no related parties transactions during the year.





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