



POLICE FEDERATION OF AUSTRALIA

ANNUAL REPORT 2005-2006



Cover:

Front and back covers show the National Police Memorial following the dedication ceremony on 29 September 2006.



Contents

Affiliates, Associates, Office Bearers.....	2
Staff, Meetings Conducted	3
President's Report.....	4
Chief Executive Officer's Report.....	5
Industrial Report	32
Women's Advisory Committee Report	34
Affiliates Report – New South Wales.....	35
Dedication of National Police Memorial pictorial.....	39
Affiliates Report – Victoria.....	50
Affiliates Report – Western Australia	52
Affiliates Report – South Australia	55
Affiliates Report – Australian Federal Police	59
Affiliates Report – Tasmania	62
Affiliates Report – Northern Territory.....	64
Associates Report – Queensland	66
Associates Report – New Zealand	68
Treasurer's Report	70
Financial Statement	71



Affiliates

	MEMBERSHIP Nos at 31/12/05 Rule 14 (d)	NO. OF DELEGATES
Australian Federal Police	2,891	2
New South Wales	15,472	7
Northern Territory	1,119	2
South Australia	4,144	3
Tasmania	1,214	2
Victoria	10,938	5
Western Australia	5,019	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	8,694
New Zealand	9,069
TOTAL Australian jurisdictions	49,491
Including New Zealand	58,560

Office Bearers

President	Peter Alexander (South Australia)
Vice President	Jon Hunt-Sharman (Australian Federal Police)
Vice President	Vince Kelly (Northern Territory)
Treasurer	Michael Dean (Western Australia)
Executive Members	Janet Mitchell (Victoria) Bob Pritchard (New South Wales) Randolph Wierenga (Tasmania)
Associate Members	Queensland New Zealand

Chief Executive Officer	Mark Burgess
Office Administrator	Debbie Martiniello
Research and Policy Officer	Amanda Myers (12 September 2005 to 12 July 2006)

Meetings Conducted

Federal Council:

22 and 23 September	Darwin, Northern Territory
---------------------	----------------------------

Executive:

21 September 2005	Darwin, Northern Territory
27 September 2005	Executive teleconference
28 September 2005	Executive teleconference
6 October 2005	Canberra, PFA Boardroom
21 October 2005	Executive teleconference
11 November 2005	Executive teleconference
12 November 2005	Executive teleconference
17 November 2005	Executive teleconference
18 November 2005	Executive teleconference
30 November 2005	Canberra, PFA Boardroom
9 February 2006	Canberra, PFA Boardroom
27 and 28 April 2006	Bungendore, New South Wales
25 May 2006	Melbourne, Victoria
19 and 20 June 2006	Canberra, PFA Boardroom
11 and 12 September 2006	Canberra, PFA Boardroom
25 September 2006	Executive teleconference

Industrial Planning Committee:

29 and 30 November 2005	Canberra, PFA Boardroom
8 February 2006	Canberra, PFA Boardroom
27 and 28 July 2006	Canberra, PFA Boardroom



President's Report

It is with pleasure that I prepare my eighth report as the PFA President. The past 12 months have perhaps been the most tumultuous period since the formation of the PFA.

You will recall that in last year's Annual Report we discussed at length the PFA's strong opposition to the then proposed industrial legislation. The advent of the WorkChoices Legislation in late 2005 not only introduced what we consider draconian industrial legislation for all workers, it has placed the future of the PFA as a 'federally registerable association of employees' in some doubt. I am please to report however, that at a Special Executive meeting in April 2006, the Executive unanimously endorsed a commitment to retain its' federally registered status. We also endorsed a strategy, using a legal opinion provided by PFA Lawyer Tim Stanley that would ensure that our registered status was maintained.

The April 2006 Executive meeting at Bungendore was perhaps one of the most important meetings in the PFA's short history. Failure to reach agreement on a way forward at that meeting could have seen the longer term demise of the PFA as an organization representing the professional and industrial interests of Australia's 50,000 police. The commitment of all Branches to stick together regardless of the Federal Government's new industrial legislation will see us positioned well for the future. My thanks go to all Branches for their support of both myself and the CEO during this difficult time. I would remiss if I didn't also place on record my public thanks to our Industrial Lawyer Tim Stanley. His strong and solid advice, which in the early stages showed quite clearly that the government did not even know its own legislation, has allowed the PFA to make appropriate strategic decisions for its future.

The range of other issues outlined throughout this report are a tangible reminder of the necessity for the existence of the PFA to supplement the work carried out by the Branches. Today's policing environment is dynamic. Our tiered structure of State, Territory and Federal Branches together with a national body dealing with key strategic issues ensures that our members' interests are well served.

One matter that we need to ensure we have a define position on into the future is the debate surrounding the development of the Police Profession. We have contented ourselves over recent years with allowing Police Commissioners to dictate any advancement in respect to this important issue for police across both Australia and New Zealand. The challenge is for the PFA, on behalf of almost 60,000 police practitioners across both countries, is to lead that debate.



Peter Alexander (PFA) and the Hon Kim Beazley (Leader of the Opposition)

For two decades police associations and unions have endorsed moving policing to full professional status, I am afraid that by aligning to the Commissioner's views of a police profession we are not advancing fast enough and perhaps not always in the direction that is in the best interests of our membership.

I look forward to taking these and other key issues to the PFA Federal Council meeting in November and deriving outcomes that will position policing in this country to ensure that it properly protects its profession and provides Australia's police with a worthwhile and attractive career into the future.

Policing deserves to be recognised as the true profession it really is. Our challenge is to deliver that for our members.

In closing I thank the Executive and their Branches for their ongoing strong support of me as your President and for the contributions of both Debbie Martiniello and Mark Burgess.

Peter Alexander
President

Chief Executive Officer's Report

Superannuation

In last year's Annual Report I reported extensively on a submission that the PFA made to the Government's "Review of Superannuation Preservation Rules as they apply to Police". I also reported that immediately prior to publication of last year's Annual Report we received advice from the then Federal Assistant Treasurer Mal Brough that the Review report –

"...recommended that no special exemption to the superannuation preservation age be made for police officers. After careful consideration, the government has accepted the recommendation"

This matter was referred to the 2005 Federal Council meeting where the Minister for Justice and Customs Senator Chris Ellison addressed the meeting. He advised that he was sympathetic to the PFA's arguments, as were many other members of the Government and he expected the PFA to continue to campaign on the issue.

As a result the PFA engaged the services of a consultant and in June 2006 a further report was presented to the Executive containing a series of options on how to take this matter forward.

The report outlined what it considered the flaws in the Governments review. They included –

- The Review claimed that legislation would be necessary to effect a lower retirement age for police – this is factually incorrect
- There was not even a mention, let alone a discussion, of the specific provisions in the *Superannuation Industry (Supervision) (SIS) Act 1993* that specifically contemplates, and authorises, the exemption of certain classes of employees from the general preservation age rules
 - This was the case even though the Police Federation's submission specifically mentioned the issue
- It did not properly recognise the unique character of police officers' duties and therefore accepted that providing appropriate relief for police would in some manner mean that special arrangements would also need to be extended to other occupations including firefighters, prison officers etc

The flaws were expanded upon within the consultant's report. It strongly suggested that the Review was conducted with a view to not accepting the views of the Police Federation rather than dispassionately examining both the history of the issue and the contemporary environment.

In summary the report outlines a range of arguments in support of our call for an exemption from preservation age requirements. They include –

- Police face unique occupational conditions and responsibilities
- Proper recognition of the realities of policing means that a minimum retirement age of 60 is not appropriate
- Recognition of the special characteristics of policing does not automatically lead to flow on of a lower preservation age to other professions
- The Governments Review that examined the preservation age issue was flawed in a number of key respects
- The superannuation system is part of employees' remuneration, and is accordingly properly seen as part of the industrial relations system (Recent moves reducing the employer contribution by both the Commonwealth and the ACT governments confirm the industrial nature of superannuation – it is an employment related benefit)
- The industrial relations system is flexible and accommodates differing occupational needs in setting terms and conditions of employment. These should be determined between employer and employee not dictated by a centralised, generalised model that does not reflect the realities of policing



Chief Executive Officer's Report

(Continued)

- The unique nature of policing is reflected in the unique industrial relations systems that apply to police officers
- The legislation implementing the increase in the preservation age to 60 does contemplate exemptions – a specific provision exists to provide exemptions for individuals or groups of individuals
- The Commonwealth could exercise the option facilitated by the exemption provision to create appropriate special and unique provisions for police officers in respect of the superannuation preservation age
- A variety of options exist to achieve justice for police officers ranging from:
 - a specific exemption for police officers
 - a general exemption provision for occupations with certain characteristics which would benefit police officers
 - a transfer of the power to provide for an exemption of the age 60 preservation rule to another competent body or bodies

The Executive subsequently authorised the CEO to seek legal advice on various aspects of the proposed strategy.

A barrister was engaged and following discussion based on the PFA's 2005 submission to Government, the Government's Review outcomes and the 2006 consultant's report to the Executive he has identified sections of the SIS Act that would allow police an exemption from preservation age requirements that do not need legislative amendments or the carriage of regulations.

At the time of writing this report the Executive is developing a strategy on how to bring these issues before the Government.

Police Professional Issues

The PFA continues to play a key role in both the Australasian Police Professional Standards Council (APPSC) and the APPSC Steering Committee. We are represented on all major projects within APPSC which is working on issues to continue to develop the Police Profession.

In last years Annual Report we reported on a planned Professional issues conference. For a range of reasons that conference did not proceed as planned however through the PFA's involvement in APPSC we are directly involved in three current key projects –

- Defining the Australasian Policing Profession
- A Police Professional Body
- Registration for the Policing Profession

The outcomes and recommendations of these projects will be reported to the APPSC Council in late September and the 2006 PFA Federal Council Meeting.

These projects came about following a decision of the March 2005 Police Commissioners' Conference to commission three papers under the heading of "Developing the future of policing". The papers included an environmental scan, a paper on the policing profession and a further paper on national organisations.

Chief Executive Officer's Report

(Continued)

The PFA was invited to and made a detailed response to this review. In that response we raised a number of issues including –

- The PFA is an active participant and member of APPSC and a key stakeholder in the police professionalism debate
- Although the PFA is keen to further the issue, we doubt that real progress will be achieved until all the key stakeholders agreed on the outcomes to be achieved within a specified timeframe
- We argued that progression of the debate would also require a redefinition of the role of a range of organisations and the relationships between them, for example, looking at the impact of any proposed registration body on the disciplinary systems in each jurisdiction
- We pointed out that as APPSC is a separate legal entity incorporated under the *Associations Incorporation Act 1984 (NSW)* and the *Associations Incorporation Act 1981 (Vic)* any changes in APPSC protocols, rules or policy are a matter for the APPSC Board of which the PFA and NZPA are members
- We argued that operational/resourcing planning over the longer term (or the lack of commitment to such planning) is a weakness at the forefront of any strategic concern (Hence our proposal on Workforce Planning which will be reported on separately in this report)
 - We also suggested that while the issue of Workforce Planning may be seen as peripheral to the core professionalisation debate, there are important implications relating to the ability of police forces to carry out their functions over the longer term, to recruiting and retaining officers, and to the wider role of the police in our community and how this is seen by others. For example, the lack of surge capacity and responsiveness over the middle- to long- term is resulting in a greater reliance on off-shore recruiting, and jurisdictional 'poaching' by the Commonwealth.

We argued that much of the debate had been single-mindedly focused on registration, rather than considering that issue as part of the bigger picture. We suggested that a registration model will be an outcome of a range of wider debates and agreements that needs to underpin professionalisation. Concentrating too much on registration could divert energy away from other important professionalisation issues.

We agreed with the Commissioners that co-ordination was lacking between the existing national organisations, many of whom reported direct to the Commissioners, and recommended that proposed models be structured and defined to promote thinking at a national level.

Benefits to both individuals and to the wider policing sector, in progressing professionalisation aims we suggested were –

- Professionalisation provides a good opportunity to ensure that policing issues are an integral part of the wider public policy debate by creating a national framework within which to posit, analyse, discuss and act upon policing concerns
- Positioning the outcomes of this discussion within a 10 year time frame shows a commitment to this vital longer-term planning, however, it is also necessary to consider the implications of a 10 year plan within the wider scope of political, global, environmental, and social scenarios which may play out over longer time periods
- Professionalisation provides a rationale for consolidating the functional and reporting activities of the wide range of existing national organisations
- Opportunities for cross jurisdictional mobility will be enhanced, with standardised outcomes for education and training, promotion prospects and operational systems



Chief Executive Officer's Report

(Continued)

Implications

However, in parallel with the possible benefits, we argued that the following implications also need to be considered:

- Whether the degree to which professionalisation can be implemented will be limited, due in part to the Office of Constable, and constraints produced by a line and staff command, and what these limits might be
- The impacts of registration on a profession which is restricted to only eight (8) potential employers in Australia and one (1) in New Zealand (in comparison with other professions with hundreds or thousands of employers spread across the public, private, and owner-operated spectrum)
- Traditional registration models, accompanied by specific governance and performance requirements, tend to focus on outputs and 'lists' of achievements or tasks. We argued that it is important that any professional model address principles-based issues such as values, integrity, honour, service to the community, and so on
- Given the occupational circumstances intrinsic to the Office of Constable, some of the more formal aspects of registration, such as a code of conduct, may be already inherent. As the existing policing structure is relatively formal, it would not be logical to argue for a parallel or a duplicate scheme: the registration model should adapt to and enhance existing systems
- Continuing professional development, and registration, requirements will impose an extra level of accountability and reporting on a sector which is overloaded with a plethora of oversight bodies and agencies
- The requirement for a professional level of education (usually requiring several years of undergraduate and sometimes postgraduate work) will increase recruiting lead times and delay the introduction of officers on the ground. As a professional education often requires a significant investment by the sector in individual officers, so the organisation will have a greater incentive to retain these individuals in order to obtain value for money. Therefore there will be recruiting and other human resource management implications, and a need for the organisation to create opportunities for ongoing intellectual engagement and career advancement in order to retain the professional
- Policing has to compete with other agencies for "the best and the brightest" recruits. High achievers with professional aspirations might not be satisfied with undertaking the more generalist and mundane duties of a police officer for long, which could result in rapid turnover at the junior levels. Private security firms are already encroaching upon some of policing's traditional roles, and are well placed to take advantage of any perceived weaknesses in our sector
- Over the next few years, the policing sector will be in tight competition with many other organisations for the best graduates and recruits as agencies such as ASIO and the ADF look to expand their staffing base. Policing needs to seriously address measures to attract individuals from a steadily decreasing availability pool
- The move towards professionalism is also often accompanied by a desire, or even a requirement, to specialize in a particular field or area of expertise. Again this has implications for generalist duties. Some jurisdictions, particularly the AFP, are already employing significant numbers of non-sworn personnel as specialists

We also proposed the following issues for attention and exploration:

The Policing Domain

- Relationships with other agencies, such as the ADF, the Australian Customs Service, Coastwatch, etc, in relation to the blurring of roles and responsibilities

Chief Executive Officer's Report

(Continued)

- The contradictions between a 'professional' and modern police force operating within a 'command and control' disciplinary system; and within archaic judicial systems
- The issue of public policing and private and second tier policing, and the police profession's response
- Generational change, changing leadership styles and expectations, and opportunities to attract more ethnically diverse recruits

Government Relations

- Competition with other agencies and sectors for government funding, and disagreement between levels of government in respect to cost shifting
- The demands placed on police decision-makers by governments and politicians
- The promotion of terrorism threats and national security concerns by all levels of government in order to pursue partisan and political agendas
- Government and public pressure to move from a community policing role to a national security role, the centralization of power under the latter approach, and implications relating to the exercise of such powers

In conclusion we stated the PFA is a keen advocate of national and cross-jurisdictional issues which promote and support the work of the policing sector, and of individual officers working within the sector and our community.

Whilst there are significant benefits to professionalisation, there are also several constraints which need to be overcome. We argued that the most important of these is the lack of a strategic and forward-thinking framework in which to place professionalisation issues, and the current dispersed nature of the many policing bodies which were described in the "Developing the future of policing" discussion papers.

We suggested that the next stage of the project needed to engage the wider membership in the professionalisation debate. It is doubtful that much progress will be achieved unless the support of members engaged in 'hands-on' policing is sought, and given, and we indicated our preparedness to continue to participate in the professionalisation debate process.

During the PFA's internal debate on the professionalisation issue we also identified the possibility of developing a Policing Institute. Whilst such an institute (Australia New Zealand Institute of Policing (ANZIP)) had previously been raised, at the time it gained little support from Police Commissioners or the PFA.

We are currently revisiting that issue and a scoping paper was prepared for the Executive in September 2006. No decision has yet been taken on how to progress that issue but no doubt the uncertainty over the future of APPSC could bring discussions about a Police Institute back into focus.

Police Overseas Workers Compensation and Rehabilitation Bill

In the previous two Annual Reports the issue of workers compensation and rehabilitation for police serving overseas has been reported on.

Traditionally police had been covered by the Veteran's Entitlements' Act (VEA) however as a result of the implementation of the Military Rehabilitation Compensation Act (MRCA) the VEA was to be 'full stopped'. It was unfortunate that those making such decisions had not thought to consult police who were still covered by the VEA. As a result of the PFA's and the United Nations Police Association of Australia's (UNPAA) intervention, the VEA has remained open in some circumstances for police but a public commitment has now been made by the Federal Government to the establishment of new workers compensation and rehabilitation provisions for police.



Chief Executive Officer's Report

(Continued)

During those discussions we argued for a stand alone piece of legislation but in separate negotiations between the AFP and the Federal Government, in which the PFA was not involved, it was agreed that a new section of the Safety Rehabilitation Compensation Act (SRCA) (Comcare) would be developed for police. That has now been formally communicated to all jurisdictions, the PFA and the UNPAA by way of correspondence by the Minister for Justice and Customs the Hon Senator Chris Ellison. In the same letter he advised that the Bill was to be introduced into Parliament in the Spring Sitting of 2006 with passage foreshadowed for the Autumn Sitting 2007 and that legislation would be retrospective to 1 July 2004 to "provide compensation and rehabilitation benefits commensurate to those provided to Defence Force personnel".

As a result of that advice the PFA has had a number of meetings with the UNPAA, the Justice Minister and also with the Minister for Veteran's Affairs. We are advised that whilst this new piece of legislation will cover police, the Justice portfolio will not have carriage of it through Parliament. That responsibility will rest with the Minister for Employment & Workplace Relations.

The issue was referred to the IPC and at their July meeting a number of 'subject matter experts' including the RSL and the Department of Veteran's Affairs explained the differences between the VEA, MRCA and the SRCA to ensure that the new Act for police contained no lesser entitlements to those that had traditionally been available.

As a result of the IPC meeting we wrote to Senator Ellison seeking that we be briefed as to the proposed content of the Bill, that we be invited to make comment prior to the Bill entering the House and that a Senate Inquiry into the Bill be held prior to it being passed.

A report on the outcome of the of the IPC was subsequently provided to the Executive at their September 2006 meeting outlining those issues that we believed needed to be considered as this Bill was developed. As a result a sub committee has been established with the inclusion of the UNPAA. That sub committee will ultimately report back to the Executive.

This will be an important piece of legislation for all Australian Police who may in the future serve on overseas deployments, particularly bearing in mind announcements by the Government in August 2006 to increase the size of the IDG by some 400 personnel.

National Police Memorial

Over the past 12 months our involvement in planning for the National Police Memorial construction and dedication has increased significantly. This included development of the National Police Memorial website www.npm.org.au, our roles on the Memorial Steering Committee and other Committees established for the dedication as well as being the contact point for a large portion of the 'police family'.

The website, which was accepted as the 'one stop shop' for all issues surrounding communication about the Memorial and the Dedication Ceremony, has been widely praised both nationally and internationally. At the time of compiling this report we have completed the honour roll including all of the details of the 719 members whose names will appear on the memorial at the dedication. In the lead up to the dedication we are planning to officially launch the Honour Roll which will include more details of each of the deaths together with photos of those members where they are available.

During the past six months, the PFA has also been working with Solicitors through the complex process of establishing registration of the National Police Memorial logo as a Trademark. We are currently in the final stages of that registration and once it is final, security of appropriate use of the logo will be in place. The registration process is due to be final by November 2006.



The interest that the memorial has generated has been overwhelming and the strong support of the entire police family has made this exercise one of the most important projects the PFA has been involved in.

Following the Dedication the PFA has committed to developing a discussion paper on the future use of the Memorial.

Chief Executive Officer's Report

(Continued)

Federal Funding

The PFA has continued to pursue the issue of greater federal funding for policing. One area that became significant in the past year was the debate around policing of remote indigenous communities.

We were involved in a range of discussions with the Minister for Families, Community Services and Indigenous Affairs Mal Brough about the police numbers and resources in these communities and following our June 2006 meeting President Peter Alexander, Vice President Vince Kelly, QPU Deputy President Denis Fitzpatrick and I met with the Minister and his staff to discuss the issues.

As a result of those meetings and ongoing dialogue with the Minister's Office we have worked with them in preparing a proposal and identifying potential people with the relevant skills to conduct a policing audit in remote indigenous communities. At the time of compiling this report those discussions are ongoing.

Whilst it is the view of government that any shortfall in police numbers through the audit should be met by the respective jurisdiction we have continued to argue that such shortfalls should be funded by the Federal Government.

This process also gave us the opportunity to raise a range of Reportable Fringe Benefits Tax (RFBT) issues for members working in remote locations.

Police Numbers and Resource Allocation

Workforce Planning

In early 2006 it became apparent that many of the issues being addressed by the PFA, including professionalisation, superannuation and overseas deployments, could be linked to concerns about the future of the Australian workforce being discussed by the wider community – generational change, government legislation relating to IR and the workforce, perceived threats to community values, and the like. With the police sector also in competition with other agencies for recruits from a diminishing availability pool, we believed that it was important that recruitment, retention of existing officers, ongoing support mechanisms, and career development be addressed nationally.

As some Australian jurisdictions and New Zealand have to go to the UK to ensure sufficient recruits, the Executive determined that a range of Human Resource Management issues should be raised with Police Ministers and Commissioners.

As a result the PFA developed a proposal for a Workforce Planning Study that was presented to the Justice Minister in March 2006 seeking sources of federal funding. That was followed by a presentation to Commissioner's at the May APPSC meeting. The issue was subsequently referred to the Australasian Centre for Policing Research (ACPR) which has prepared a report for the Senior Officers Group (SOG) meeting in September 2006. The PFA has provided further information for the ACPR Report.

Our submission raised a range of issues and examples from Australia and overseas arguing that as there was a workforce wide skills shortage in Australia, why did we think that policing would be immuned from such a problem?

Our arguments for the Study included –

- A police workforce planning study undertaken in a national, coordinated, and sector-wide manner has never been done before
- Our best estimates show that over 15,000 new officers will need to be recruited over the next four years
- Policing is competing with other public and private sector organisations to attract the best recruits from a diminishing availability pool



Chief Executive Officer's Report

(Continued)

- The study should examine both current and longer-term issues relating to recruitment and sector sustainability, and could leverage previous research
- In addition to adapting to the 'new world order', our police forces are not exempt from the workforce recruitment and retention issues starting to affect the wider Australian community
- With the rapid, almost exponential expansion of the national security sector over the past few years, we argued that policing now faces one of its most critical challenges in continuing as a sustainable and steadfast national and community resource
- The aims of the study are in line with Australian Government objectives, including the 19 February 2006 COAG announcement of A New National Reform Agenda. The COAG meeting communiqué notes that the reform agenda is aimed at improving services by lifting the nation's productivity and workforce participation over the next decade. Our proposed study, we argued, meets the needs of the Agenda's Human Capital Stream, which includes priority areas of reform including health, education and training, and work incentives
- Whilst recruiting and other related human resourcing issues have been mainstream concerns in the policing sector for some time, more recent concerns relating to demographic predictions, generational change, and a focus on both community policing and national security, has highlighted the need to gain an understanding of the bigger picture - over a ten year period at least
- In addition to concerns shared by other sectors of the Australian workforce, such as the impacts of an ageing population, generational changes highlighting different values, expectations and lifestyle choices, and work/life balance needs, policing practitioners and theorists have identified the following issues which are of particular interest to policing in Australia:
 - **Retaining older workers longer** – the Australian Government has stated its policy of encouraging workers to continue in their jobs rather than opt for early retirement options. Some of the implications of this policy were outlined in the PFA's 2005 submission to the Federal Government, *"Retirement with Dignity for Australia's 50,000 Police. Review of Superannuation Preservation Arrangements as they apply to Police"*. Older police officers may well find themselves in active operational roles in their twilight years, with the effect of increasing the chances of injury to the individual officer, and heightened risks to other officers and members of the public. In its response, the Government noted that police departments should consider *"adopting workforce planning policies to ensure the right skill and age mix is available to meet longer term policing requirements"*
 - **The Rural/Urban disjunction** – a high proportion of Australia's police forces, unlike many other forces around the world, is required to operate in remote, rural, and regional areas. It is recognised that some of these communities do not offer reasonable levels of housing, education, childcare, or support for young police officers, in particular, and their families. More information is needed on the kinds of incentives necessary to attract officers to these areas, and innovative solutions provided to meeting the stresses of the non-urban environment, including, for example, officer and family support initiatives
 - **Medical retirements/stress** – a recent Police Association of NSW submission to the NSW Government (*Submission Regarding Staffing Issues in the NSW Police*, January 2006) noted that medical discharges (for both psychological and physical injuries) in the NSW Police are at record levels, and that 'strength' (ie. the availability of police on rostered shift) is the number one issue of concern identified by Association members. Ongoing unavailability of officers may affect the standard of service delivery to the community
 - **Competition with other agencies** – policing recognises that it is in competition with other agencies and sectors for the most able recruits

Our submission included the following projected requirements on a jurisdictional basis –

Chief Executive Officer's Report

(Continued)

Recruitment required 2006 – 2009 (4 years) *

JURISDICTION		TOTAL
Qld	1,600 additional + 1,200 attrition	2,800
NSW	3,000 additional + 2,400 attrition	5,400
AFP	700 additional + 800 attrition	1,500
Vic	1,200 additional + 1,200 attrition	2,400
Tas	50 additional + 80 attrition	130
SA	400 additional + 600 attrition	1,000
NT	150 additional + 320 attrition	470
WA	350 additional + 1,200 attrition	1,550
TOTAL AUSTRALIA		15,250
NZ	1,000 additional + 1,500 attrition	2,500

* The above figures are estimates based on historical attrition rates and projected recruitment

Reportable Fringe Benefits Tax (RFBT)

Throughout the past 12 months we have continued to pursue identified Reportable Fringe Benefits Tax (RFBT) issues.

In last years report I reported on a range of additional benefits we gained for members and it is pleasing to report that the issue of 'home security' systems installed in members premises where they were deemed to be at risk has now been resolved in our favour and what would have been a substantial amount of money that would have been grossed up on members group certificates in regard to this issue has now been exempted.

In the Federal Funding section of this report I indicated that we had raised a range of RFBT issues with the Minister for Families, Community Services and Indigenous Affairs Mal Brough when discussing incentives to get police to work in remote indigenous communities. The PFA will continue to pursue those matters.

There are however a range of other RFBT issues still applicable to police. We estimate that police officers across Australia are still experiencing in excess of \$10,000,000 per annum of RFBT issues appearing on their group certificates. The biggest issue still outstanding appears to conveyancing costs reimbursed by the employer when members are transferred. Whilst some of the issues will not be easily won, we will continue to pursue them on behalf of members.

At the same time we are advised that police agencies are paying in excess of \$12,000,000 per annum in FBT payments. Some of those issues, we could argue, are an unfair impost on police budgets. For example we understand that police agencies are still paying approximately \$6,000,000 per annum in FBT on police vehicles and the parking of those vehicles in police stations. \$6,000,000 annually would go a long way to alleviating some police budgets and the PFA is currently considering whether to lobby the federal government to remove some of this impost on our employer.



Chief Executive Officer's Report

(Continued)

Salary Packaging

In last years Annual Report I reported on the 'capped fringe' benefits tax (salary packaging) arrangements that are now available to Ambulance Services.

In 2005 the PFA engaged a consultant who has provided us with a detailed report on the issue and in particular the underpinning legislation, why it does not benefit police and what we would need to achieve to have such a benefit passed on to our members.

The report identified that to automatically gain the top level 'capped fringe' benefits tax concession (\$30,000) police would need to be accepted as a 'Public Benevolent Institution' (PBI).

PBI's enjoy a unique taxation concession – they are entitled to a Fringe Benefits Tax concession of a grossed up exemption level of \$30,000 per employee. Some ambulance services had been granted this status by the Australian Taxation Office, and hence were enjoying this considerable concession prior to the matter being tested in the courts in the Ambulance case.

The Court ruled that ambulance services were found to not come within the definition of PBI and therefore could not access the \$30,000 PBI concession. The Government subsequently granted them a partial \$17,000 concession.

There are various legal tests of whether a body is a PBI and it is well accepted that police do not meet those tests. Although some of the activities of police services arguably come within some aspects of the tests, they cannot satisfy all of them and therefore do not qualify. In addition, the courts have consistently held that government bodies cannot generally qualify as charitable bodies – even where they undertake the same functions as private charities.

Regardless of the advice received, which has not been positive to our arguments, we have prepared a strategy for the PFA's lobbying for such an outcome, consistent with ambulance services, and this issue will figure along with a number of others on the PFA agenda as we lead into the 2007 Federal election.

International Deployment Group (IDG)

The lack of open dialogue with the IDG continues to cause problems in respect to liaison on IDG issues.

In December 2005 the AFPA Branch lodged a dispute in the Federal Industrial Commission claiming that the AFP was using a section of the AFP Act in a way to exclude Awards and Associated Agreements applying to the IDG. As it stood AFP IDG members were not entitled to many of the core terms and conditions under the applicable Certified Agreements, in particular they are not entitled to a dispute resolution process such as the Board of Reference as set out the AFP Certified Agreement.

As a result correspondence was prepared and meetings held with the Justice Minister Senator Ellison and the office of former Justice Minister Senator Amanda Vanstone. The key issues raised in the correspondence and meetings were –

- When the AFP Act was being put through Parliament in 2000 the explanatory memorandum and the debate in Parliament clearly indicated that such processes would be recognized
- Currently the Commissioner's interpretation is that he makes the determination about terms and conditions for members being seconded to the IDG and the CA does not apply to those on IDG. Ironically, the Commissioner argued that the CA he entered into fetters his powers
- The AFPA is attempting to reinstate the CA in its entirety
- In New Zealand, the NZPA negotiates the terms and conditions for overseas deployments as a formal variation to their CA

This matter has lapsed as a result of a technicality in the Industrial Commission however the AFPA is currently reviewing its options in other judicial forums.

Chief Executive Officer's Report

(Continued)

Protecting and improving the terms and conditions of employment, rights and entitlements of members

Through the IPC we have continued to maintain relevant comparison documents for terms and conditions of members across all jurisdictions and New Zealand over the past 12 months including those issues affecting the terms and conditions of Commissioned Officers. The Women's Advisory Group likewise have maintained a matrix of comparisons of model conditions of employment across Australian police jurisdictions and New Zealand focusing on family friendly conditions. They have also used the matrix to compare what are considered benchmark standards for these issues across the wider workforce. These documents are essential for the use of Branches when preparing and negotiating their respective enterprise bargaining campaigns. The issues identified in those documents can be found in the IPC and WAC sections of this Report.

The IPC and WAC have also been used as venues to discuss contemporary issues in Branches, particularly in respect to EB outcomes and other matters concerning members' terms and conditions of employment.

An issue that has come to prominence during 2006 is in relation to members working at the Australian Crime Commission (ACC).

Over several years the PFA had attempted to negotiate a common terms and conditions agreement for police working at the previous National Crime Authority (NCA) and subsequently the ACC. We undertook this process due to a large number of complaints from members emanating from the then NCA where they were being inappropriately rostered and deployed depending on their home states terms and conditions of employment. Management at the then NCA were attempting to minimize their salary costs by 'cherry picking' members to work based on the cheapest cost for weekend work, shifts and overtime etc.

Fortunately when the NCA was abolished and the ACC created it appears that this scenario ceased. We did however re enter into negotiations with the ACC when it was formed to negotiate a common terms and conditions arrangement. Those negotiations broke down when we asked the ACC to take legal advice as to who was the employer of police working at the ACC on a seconded basis so that we could ensure that we were in fact negotiating with our members' employer. They have not come back with a definitive answer.

In mid 2006 we were advised that the ACC was investigating a 'leave without pay' arrangement for police to work at the ACC in the future. This came about from the recommendations from the Joint Committee on the Australian Crime Commission – Review of the Australian Crime Commission Act 2002 –

Recommendation 16:

The committee recommends that the issue surrounding the employment of secondees be addressed as a priority. Any review should address the standardization of salary and working conditions through the development of a common secondment arrangement, as well as the implications of this system on the integrity and disciplinary framework.

The PFA's concern is that members could be offered Australian Workplace Agreements (AWA) style contracts to take leave without pay from their home jurisdiction and go to work at the ACC. Terms and conditions for those members would be non negotiable. We have raised our concerns about such a process with the ACC. The issue was referred to the IPC for report back to the Executive and the outcomes of those discussions can be found in the IPC Report.

Chief Executive Officer's Report

(Continued)

Development of Police Unions in the south Pacific

PNG

In last years Annual Report I reported on the assistance we had given to the Papua New Guinea Police Association both from the perspective of assisting with their organizations rules and preparing them for a salary claim as well as the support given by the Federation of Police Credit Unions through Queensland Police Credit Union to advise on the financial viability of the Association's Credit Fund.

As a result the PFA invited the PNG Police Association President Robert Ali to our 2005 Federal Council Meeting in Darwin where he thanked the PFA for the support shown to their Association and members.

It is also pleasing to report that the Police Association of NSW donated six (6) desk top computers to the PNG Association following an upgrade of the PANSW computer system. They have subsequently also offered to donate a lap top. The desk top computers were shipped to Port Moresby by the PFA and we are advised are now installed in the PNG Association office. We are currently making arrangements of the lap top to be delivered.

We have also been advised that a new salary deal has been negotiated with the Government that has been well endorsed by members resulting in good increases with a proper incremental salary progression scale.

As per our Strategic Plan we will continue to assist the PNG Association in whatever way we can.

East Timor

As a result of the violence in East Timor, the death of 10 East Timorese police and the injuries to many others, the PFA Executive determined to donate \$10,000 to the families of those police killed or seriously injured in that violence in May 2006.

A number of those officers injured are recuperating in Darwin Hospital and were guests of the Northern Territory Police Association at their Annual Conference in August 2006.

We are currently liaising with the Alola Foundation in East Timor as to how best distribute that donation. We have been well supported in that process by the Rev Roger O'Donnell AFP Chaplain who has visited East Timor & liaised direct with representatives of Alola.

The Executive has also offered to assist in the establishment of a Police Association for welfare purposes in East Timor. We have met with both the Justice Minister Chris Ellison and the Minister for Foreign Affairs Alexander Downer. Both Ministers were very supportive of our offer and we are now developing a strategy that will entail East Timor Police and Government support to achieve such an outcome.



Robert Ali (PNGPA)



Peter Alexander (PFA) and Robert Ali (PNGPA)



East Timorese Police at NT Police Association Conference 2006

Chief Executive Officer's Report

(Continued)

PFA Staffing

Research/Policy Officer

In September 2005 the PFA engaged Amanda Myers as its inaugural Research and Policy Officer on a permanent part time basis.

During her employment she established a research program and undertook a range of initiation and scoping tasks. The included –

- A Research Program based on the PFA Strategic Plan was developed and used to track progress on individual tasks and projects
- Research resources such as relevant websites, journals, e-news and the like were compiled and access was gained to a range of e-news services including the Centre for Independent Studies (e-Precis); the Human Security Centre; Lowy Institute News and Safeguarding Australia
- The PFA Policies were reviewed and policies requiring updating or amendment (particularly in view of the Work Choices legislation) were summarized and referred to the Executive

In line with the objectives of our Strategic Plan, relationships and links between the large numbers of issues contained in the Plan were identified and analysed. A draft action plan showing the relationships between the range of projects undertaken by different agencies on police professional issues and the connections to the PFA Strategic Plan was also produced.

What became evident however was that the nature of the day-to-day demands on the PFA, and the wide range of issues being concurrently addressed, meant that tasks solely related to research were rarely able to be undertaken. A range of issues which would benefit from targeted attention have been identified, however as a result of time constraints and resources most have not been able to be progressed in a focused way.

The Research/Policy role also allowed us to be more proactive in the monitoring of key National and Canberra based print media along with online news services. This proved invaluable in keeping on top of the wide range of national, international, and governmental issues relating to policing, and assisted the PFA to react professionally and responsively to breaking issues.

Key issues concentrated on included –

- Critical Incidents; East Timor; Government Policy; Health; Indigenous Issues; Industrial Relations; International Policing; Legal Issues; National Security; Other Agencies; Policing (general issues); Professional Issues; Terrorism Legislation; Airport Security, Federalism and Superannuation in particular

This monitoring helped us to understand the media profile of policing in greater detail, as well as providing information to assist with strategic planning.

As a result of the introduction of a Research/Policy arm of the PFA a number of other significant strategic issues were identified and acted upon. Those issues are reported on in other sections of this report.

In July 2006 Ms Myers accepted a more permanent role in the public sector and at the time of compiling this report the Executive has endorsed engaging a new Project Officer to follow on with this important work.

Her work in establishing the Research/Policy role at the PFA has laid the important groundwork for such a position into the future.



Chief Executive Officer's Report

(Continued)

Federal IR Issues

WorkChoices Legislation

In the latter part of 2005 much time was devoted to the issue of the WorkChoices Legislation and its potential impact on police. The number of Executive meetings and Executive teleconferences identified at the beginning of this report bear testament to the debate that was taking place within the PFA in respect to this issue. We also made a submission to the Senate Employment Workplace Relations and Education Committee Inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005 which will be covered in another section of this Report.

The range of issues in the legislation that concerned Australia's police, which I reported on in last years Annual Report, was used as the basis for the Senate submission.

During 2005, and particularly leading up to the legislation being made public we held a series of meetings with a range of politicians, including the responsible Minister Kevin Andrews and the head of the Prime Minister's IR Task Force Andrew Robb MP, the ACTU and various academics, including Giuseppe Carabetta from Sydney University. As a result of the lobbying undertaken on this issue on the day the legislation passed the Parliament the PFA received the following correspondence from the Prime Minister:



PRIME MINISTER
CANBERRA

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

12 DEC 2005

Dear Mr Burgess

I understand that concerns have been raised with the Police Federation of Australia ('the Federation') by members currently subject to state industrial relations regulation. These concerns are that State Governments may seek to refer their powers with respect to the employment of police officers to the Commonwealth.

As you would be aware members of the various state police services are public servants and will not be covered by the new WorkChoices system. Accordingly, it would appear that currently these concerns are of an academic nature only.

The ongoing coverage of state police officers under state industrial relations regulation could only change in the unlikely event the various State Governments choose to refer their powers in relation to all their public servants to the Commonwealth and that referral was accepted.

This means that whether (or not) a State Government wished to refer its powers over state police officers to the Commonwealth this could not occur without the Government's agreement and the necessary legislation at a state and federal level.

It is the Commonwealth view that issues affecting the employment of State police ought, because of their particular circumstances as sworn officers, remain with their employer State Governments. The Commonwealth therefore will not seek a future referral of powers from State Governments in relation to the employment of State police.

Yours sincerely



(John Howard)

Chief Executive Officer's Report

(Continued)

In the latter part of 2005 the PFA also engaged the services of Adelaide-based Barrister Tim Stanley. The relationship with Mr Stanley proved very fruitful in that he was the first person to identify, in a legal advising to the PFA, that the legislation not only potentially affected every police officer in Australia's future employment conditions, it also posed a significant threat to the ongoing federal industrial registration of the PFA.

Mr Stanley's advice was that the future industrial registration of the PFA was in jeopardy as the PFA did not meet the new requirements to be a "federally registerable association of employees". In the new system an association of employees is only federally registerable if it is either a constitutional corporation or the majority of its members are federal system employees. In the case of the PFA neither would be the case. The PFA is not a constitutional corporation and with the exception of the AFP, Victoria and possibly Northern Territory, all other jurisdictions members are employees in their respective state systems.

There is however provision in the legislation for the PFA's industrially registered status to be maintained by a three-year transitional provision after which it will be vulnerable to deregistration by the Australian Industrial Relations Commission as it does not comply with the legislation to maintain such registration.

Mr Stanley has subsequently provided advice that would allow the PFA to continue in the new federal system however it will be required to become a constitutional corporation. He has also given advice on how to achieve such an outcome.

As a result of the many issues arising from the legislation and their potential impact the Executive held a Special Executive Meeting in April 2006 at Bungendore. The meeting, which historically could prove a defining moment in the PFA's short history, discussed a range of issues concerning the future of the PFA that were resolved unanimously.

In his opening address to that meeting President Peter Alexander indicated the importance of all Branches getting together to talk and reach agreement before we go forward and the challenges to the future direction of the PFA in light of Government's IR changes. "The decision" he said "is ours as to what we want to do. What we can do" he said, "may in some respects be dictated by legislative impediments, but if we as a collective decided on a course of action, we have the ability & capacity to deliver on that course".

Mr Alexander suggested to the meeting that we need to clearly make the decision to either preserve the PFA's federally registered status or vacate the federal arena. He indicated that his greatest concern is that this legislation could see us break into dissident factions. "Something" he said "that would significantly weaken us into the future".

The key issue to come from that meeting was the following resolution that was carried unanimously –

"That the Executive reaffirms its commitment to retain its' federally registered status"

Subsequent to that meeting, Mr Stanley provided further advice about how the ongoing registered status of the PFA might be maintained, however he advised, the outcome of the High Court challenge to the legislation by the states would need to be determined before we could move forward. At the time of compiling this report the High Court has not delivered its findings.

The fact is though that this legislation is designed to build obstacles for unions to effectively represent their members. In the case of the PFA, the obstacle is potential deregistration. When you consider that just over a decade ago our predecessors fought a battle all the way to the High Court of Australia to form a national police union, with one stroke of a pen this Government has tried to destroy it. Fortunately however, the executive has determined that they will not be successful.



Chief Executive Officer's Report

(Continued)

Award Review Taskforce

Another significant issue to come from the Federal Government's IR legislation was the formation of an Award Review Taskforce.

The PFA appeared before that Taskforce with the AFPA Branch in March 2006 and outlined its position on a range of issues put to it at the hearing.

Issues raised with us by the Taskforce included –

- The view of the Police Federation of Australia (PFA) and in particular the Victoria and Northern Territory Branches if the Government determined to use the Australian Federal Police Award as the Police Award in the Federal system –

In respect to that question we argued that the PFA does not support such a situation and believed that before any such decision was made discussions would need to take place with the Victorian and Northern Territory Branches of the PFA as well as the Victorian & Northern Territory Police Departments and Governments as the employers of police in those jurisdictions. The Australian Federal Police Award 2002 ("AFP Award") we argued is almost unique in that it is both an industry and enterprise specific award. While it is the industrial award that provides coverage for the "policing industry" in the Australian Government sector it is enterprise specific to the Australian Federal Police. For example, the classification level descriptors directly refer to the knowledge and skill levels as set out in the AFP JobSize Manual. It would be inappropriate to impose AFP-specific classification descriptors on other policing services for which they were not developed.

- The view of the PFA in relation to the proposed rationalisation of Awards on an industry sector basis –

We argued that we see value in a range of approaches that do not necessarily exclude enterprise awards or occupation-specific awards. Nonetheless if the taskforce adopted an industry approach to award rationalisation, in respect to police, the PFA supported the precedent set in Victoria in the mid 1990s that provided for the police services to be identified as an industry sector. This approach we suggested was outlined in the "Award Rationalisation" discussion paper released by the Taskforce in December 2005. In that consolidation process the Employee Relations Commission of Victoria recommended that a specific "police services" sector be established. Such an arrangement we argued should only apply though to the AFP and should exclude the Victorian and Northern Territory police forces. The PFA argued that excluding these services would be consistent with the Prime Minister's letter to the PFA in December 2005, advising that the Commonwealth will not seek a future referral of powers from State Governments in relation to the employment of State police.

We also argued that if any award rationalisation approach is to provide simple, clear outcomes for the police services sector then the AFP Award should remain as an enterprise-specific and industry award providing coverage for all AFP employees across all Australian Government policing functions

We also suggested that it was worth noting that a group of AFP employees, the Australian Federal Police Protective Service, remain covered by the Australian Public Service Award ("APS Award"). This we argued was a reflection of the role that the protective service function had before becoming part of the Australian Federal Police and prior to the development of the function as a key group to respond to potential terror events. We suggested that there is a strong argument to bring the AFP PS under the umbrella of the AFP Award and remove the function from the APS award so long as the industrial responsiveness to the AFP award is not affected.

We submitted that the unusual status of policing as an occupation supports the retention of the AFP-specific award and, in the event of agreement to industry-specific awards, a separation of the policing services sector from the general public sector.

The occupation of a police officer we suggested is different to other occupations, including other public sector workers. It is an established rule of common law that members of the police force are not 'employees'. Police

Chief Executive Officer's Report

(Continued)

officers, we argued, take an oath of office, which gives them enormous powers, and at the same time places great responsibilities on them. Police are different from other workers in a number of respects, but particularly in relation to the nature of their professional duties.

The Australian Federal Police Act 1979 we submitted provides for the engagement of AFP officers as “employees” and the statutory powers that they may exercise. The same Act specifically prohibits the application of the Workplace Relations Act to the Police Commissioner’s use of his command powers. We also argued that generally state police forces have provision for the resolution of employment issues outside the traditional industrial framework. There are compelling arguments for both of these approaches to determine the industrial relations arrangements that apply to policing.

Our submission therefore sought that the unique position of AFP personnel supported the retention of an enterprise-specific award but does not support the extension of its coverage to the Victorian and Northern Territory police forces that have developed specific frameworks to deal with their issues within their own jurisdictions.

The Task Force has recently released its final Report to Government on the Rationalisation of Award Wage and Classification Structures as well as an Award Relevance Study. It does not appear that either of these documents has proposed any changes that will affect police at this time.

Australian Research Council (ARC) Linkage Grant

In 2005 we supported an ARC Linkage Grant made by University of Sydney Law lecturer Giuseppe Carabetta into current police dismissal laws in Australia. In view of the changes then being proposed in WorkChoices we believed that the research was very timely.

The proposal for the research was planned to build on Mr Carabetta’s previous work into “The Employment Status of Police in Australia” which was published in the Melbourne University Law Review together with his paper published in the Australian Journal of Labor Law 2004 based on the High Court matter concerning the dismissal of former NSW Deputy Commissioner Mr Jeff Jarratt.

The proposed Linkage Grant Project title was “*Dismissal and the Law in Australian policing: Balancing the interests of the individual police officer against the public interest*”.

The submission argued that finding a balance in the laws regulating the removal of police officers is a major challenge for policy makers. On the one hand, police officers are like regular Crown employees. They function like ordinary employees in many key respects and their conditions of service are similar to those of ordinary employees. This suggests they are deserving of the same dismissal protections as regular employees. On the other hand, police are unlike other employees in the sense that they exercise special powers and privileges which justifies higher standards being imposed upon them to ensure the integrity of our police officers. Governments and law makers are wrestling with this distinction, and with the need to adequately protect officers from injustice without sacrificing the public interest in maintaining high professional standards in the police service.

The project, we suggested, would undertake research that is long overdue: a systematic review and assessment of the dismissal laws of all eight Australian police jurisdictions. This was to be the first comprehensive study of this important topic in Australia. It was particularly significant that it would be undertaken collaboratively with the PFA.

The proposed project had several aims:

- i. To review the nature, scope and objects of the current dismissal regimes in all Australian police jurisdictions;
- ii. To compare the nature, scope and objects of the police dismissal regimes as described in aim (i) with those in other common law jurisdictions, with a view to identifying relevant efficiency and equity issues;

Chief Executive Officer's Report

(Continued)

- iii. To assess the effectiveness of the laws in paragraph (i);
- iv. To compare the effectiveness of those laws against the experience in other jurisdictions, including other common law jurisdictions;
- v. To consider and identify the principles on which modern police dismissal laws should be based with the view that the present regimes could be amended or replaced; and
- vi. To make recommendations as to a 'best practice' model for Australian police organisations and to identify what, if any, legislative or administrative changes could be made to better balance the interests of police officers against the broader public interest, including the interest of maintaining high professional standards in the police force.

Unfortunately the grant application was not successful on this occasion however the Executive has endorsed supporting another submission with Mr Carabetta in the ARC's next round of Grants.

Parliamentary Inquiries

The PFA made a number of submissions and appeared before several Parliamentary Inquiries in the past 12 months. They included –

Senate Employment Workplace Relations and Education Committee Inquiry into Workplace Relations Amendment (WorkChoices) Bill 2005 – (The WorkChoices legislation and its long term impact on police has been discussed in another section of this report)

The PFA made a substantial submission to this inquiry on behalf of all Branches.

We argued that there were a number of key elements of the proposed IR system that could have a significant impact for police. These were elaborated on in the PFA's 2005 Annual Report and included –

- The impact of the proposed unitary system of IR on police;
- The issue of 'Employee Status' for Australia's police;
- The use of Australian Workplace Agreements (AWAs) in policing; and
- Rights of entry to the workplace in respect to policing.

The submission also outlined in some detail the variety of industrial arrangements that cover police across the country in each jurisdiction.

At the conclusion of the submission we implored the Government not to look at police through the same prism that it applies to workers generally. We did not argue that they are better than other workers. We did argue however that we are different, and have different needs, as we had identified throughout the submission.



Giuseppe Carabetta (on the right of Workplace Relations Minister Kevin Andrews) at a meeting with the Executive in relation to the WorkChoices legislation 2005

Chief Executive Officer's Report

(Continued)

Senate Inquiry into Defence Legislation Amendments (Aid to Civilian Authorities) Bill 2005

The PFA made a submission to this inquiry and also wrote to the Prime Minister registering our concern about aspects of the Bill, in particular the haste it was proposed to deal with it by way of Senate Committee.

On 8 December 2005 the Senate referred the Bill to the Senate Legal and Constitutional Legislation Committee for inquiry with submissions set to close on 16 January 2006 and the Committee to report by 7 February 2006. We argued that such a time frame, especially as it spanned the Christmas period, was too tight to allow proper and meaningful discussion and consultation on a piece of legislation that was important to all Australians.

We were advised that a number of state police jurisdictions would be making submissions raising concerns about aspects of the Bill and we were encouraged to do likewise. At the time of closing of submissions only the PFA and the AFP made submissions.

We raised two specific points of concern –

1. The “expedited call out” arrangements where the Commonwealth can call out the ADF without a request from the State or governing Territory.

We argued that neither the Act nor the Bill specifically stated how it is determined that a State was adjudged to be unable to deal with an emergency, merely that the person or persons authorizing an order must be satisfied that such a situation exists. A clarification of how this determination is made we suggested should have been included in the Bill.

We also suggested that it would also be appropriate to define what constitutes ‘domestic violence’ (other than a reference to section 119 of the Constitution), and what constitutes a ‘sudden and extraordinary emergency’. We did accept however that too prescriptive a definition may restrict the proper and flexible application of the Act, yet whilst we agreed that these aspects are covered to some extent in the National Counter-Terrorism Handbook, we argued that it may be more appropriate for it to be included in legislation.

2. That the substantive criminal law of the States and other Territories will not apply in relation to a criminal act of a member of the Defence Force purportedly exercising these powers

We argued that any process in respect to the investigation and possible laying of criminal charges against ADF personnel needs to be transparent. We raised concerns that making the Commonwealth Director of Public Prosecutions responsible for determining when charges under Commonwealth criminal law will be laid may lead the general public to think that such actions are not transparent.

Whilst the Explanatory Memorandum stated that State or Territory police would investigate any criminal acts done, or purported to be done, by ADF members operating under Part IIIAAA, we argued that as a minimum this provision should be expressly stated in the legislation.

We pointed out in our submission that the PFA supported the overall thrust of the Bill's aims in respect to domestic security operations, however our concern was that some of the proposed clauses may have far reaching implications and unintended consequences, and needed much more debate before being progressed.

Joint Committee on Foreign Affairs, Defence and Trade Inquiry into Australia's Regional Strategic Defence requirements

In May 2006 the PFA made a submission to this inquiry. Our submission has subsequently been reported on by a number of media outlets and cited by universities who are researching national security issues.

Some of the specific matters we addressed in our submission included: airport and transport security, police resourcing and coordination, roles and responsibilities of security personnel, Pacific region security and governance, community policing, and critical incident implications for policing.



Chief Executive Officer's Report

(Continued)

The rationale for us making a submission to such an inquiry was –

- Police are absorbing more and more of what were previously identified as military roles. We argued that the Government is increasingly aiming to address regional security concerns by taking the “fight off-shore”. Whereas ten years ago Government policy was based on meeting security concerns with troops and military hardware, these days police deployments are being sent to off-shore hotspots (such as the Solomon Islands, East Timor, and Papua New Guinea) to undertake preventative peacekeeping and peace building activities like reinstating law and order, and rebuilding governance infrastructure
- Many issues of concern to defence are also relevant to policing agencies, and vice versa. We argued that issues such as meeting recruiting goals, and work/life balance stressors, are also shared by police, intelligence, protective security, and emergency services agencies. All these agencies have a role to play in supporting the ADF, and wider Australian security and defence activities. We suggested there are indications that these agencies are in competition for the same slice of the pie.

The submission outlined some issues and implications relating to the role of police in defence requirements, and addressed individual trends.

We argued that in the aftermath of September 11, the Australian Government responded to heightened national security concerns by proposing and implementing a raft of diverse policies and measures, ranging from national awareness-raising campaigns to active participation in the US-lead War on Terror. There had also been a parallel proliferation and expansion of Government agencies now intimately involved in national security intelligence, monitoring, and operational activities. There have also been massive increases in some associated budget allocations.

There is now a complex range of agencies, both at the jurisdictional and federal levels of government, who have been tasked with an intensity of counter-terrorism, security, and related public safety functions, never before experienced in our history. Australia's police forces, we suggested, are not exempt from this increased level of responsibility, workload, and expectations (from Governments and the community).

We argued that Australia's ‘security’ and ‘defence’ differ, but are connected. The lines between these two institutions are becoming increasingly blurred as the inter-reliance between an expanding range of security players – participants, enforcers, enablers, and stakeholders – is becoming more complex.

Whilst the ADF has traditionally been concerned with restricting itself to military tasks, it has become increasingly apparent that its members are, and will continue to be, involved in non-military and non-traditional tasks such as peacekeeping missions, pursuit of illegal fishing boats, disaster-relief, and operations involving illegal immigrants. This ‘cross-fertilisation’ of roles is also being experienced by other agencies.

The implications for policing are many. Significant workload, we argued, is shouldered by the Australian Federal Police (AFP), with major functions pertaining to protecting and safe-guarding the Commonwealth's interests (in addition to a comprehensive community policing role for the ACT and External Territories). However, the expectations and level of preparedness required from State and Northern Territory police forces has grown significantly, with these officers providing first-response and overall coordination functions in their jurisdictions for any security situation or critical incident. In most of our capital cities the burden on police resources has become significant.

Although the AFP has received budget allocation increases over the past few years, this extra funding has not translated into an associated increase in the numbers of sworn officers able to carry out this additional (and growing) workload. The overall approach to tasking and funding of the AFP is evidence of a lack of consistent, considered, and planned policy making.

Since September 11, over 600 AFP employees have been diverted from the tasks they were undertaking on September 10, 2001, to new functions. At the time of the submission 400 of them formed the International Deployment Group (IDG) and were tasked with meeting these new international roles (Announcements in late August 2006 indicate that the IDG will be increased to 1,200 personnel, putting even greater pressure on resources). The decision in late 2005 by the Council of Australian Government (COAG) to expand

Chief Executive Officer's Report

(Continued)

policing functions at Australia's 11 Counter Terrorism First Response Airports (which is reported on separately in this report) put added pressure on State and Territory police to fill that role. This ad hoc decision, we argued, was made without thought to appropriate replacement or back-filling mechanisms, or to operational considerations relating to how State and Territory officers would undertake Commonwealth responsibilities. COAG's solution, we suggested, raised serious police resourcing implications, given the ongoing failure to strategically plan for the capacity of Australian policing to meet emerging challenges.

The trend was growing in that agencies at the State and Territory level are required to contribute resources to national security functions at all levels of government. Whilst it is evident that a range of Federal agencies have received significant boosts in funding, over extended periods of time, for counter terrorism and associated activities, the level of assistance by the Australian Government to State and Territory agencies, particularly police, has not kept pace with these budgetary increases. A requirement for jurisdictions to share the national security agenda we suggested should be supported by an adequate share in Australian Government funding.

Our submission argued that government policies focusing on peace building and good governance, and pre-emptive and early intervention strategies, are placing less reliance on traditional military skills and personnel, and more emphasis on skills provided by police officers. Domestic measures building our resilience to, and protecting from, terrorist threats (such as enhanced airport security), also require significant policing resources.

In conclusion we suggested that Australia's security and defence requirements are currently being met by a mélange of agencies, with competing priorities and interests, yet with the same object in view. The PFA strongly recommended measures to increase the capacity of all agencies involved in security matters to cooperatively address the range of common and cross-sector issues, whilst retaining their ability to maintain their specific areas of expertise.

Airport Security

In last year's report I reported on our submission to the Joint Committee of Public Accounts and Audit in relation to their Review of Aviation Security in Australia. The subsequent decision of COAG in respect to policing Australia's 11 First Response Counter Terrorism Airports has caused major problems for state and territory police.

In December 2005 the PFA wrote to all members of COAG (Prime Minister and all Premier's and Chief Ministers) outlining our concerns about their decision. In that correspondence we argued –

The proposed solution of staffing these airports with between 350 – 500 State and Northern Territory Police raises serious police resourcing implications given the ongoing failure to strategically plan for the capacity building of Australian policing to meet emerging challenges.

We argued that policing of our airports was a federal police responsibility and therefore should be undertaken by the AFP. Because the AFP has failed to recruit or plan for recruitment to meet this identified need, the responsibility was being pushed onto State and Territory Police.

We suggested that State Policing resources have similarly failed to expand to meet federal responsibilities, as they are driven by state-based policing imperatives. With the International Deployment Group (IDG) demanding State Police resources to offset insufficient Federal Police numbers, State officers are being removed from their primary obligations, often without backfilling of their roles.

With the announcement of the Airport police role we argued that the political fall-out for governments removing police from frontline policing duties to fill roles at airports may be significant, particularly amongst those jurisdictions already experiencing recruiting difficulties.

We suggested that officers seconded to the airports would have high levels of experience, and we advised that we were concerned that these officers would be replaced within their jurisdictions with less experienced and probationary constables, leaving the home jurisdictions in a weaker position.



Chief Executive Officer's Report

(Continued)

We raised a range of other operational issues that COAG had failed to consider as well. They included –

Training

Not only will there be significant training requirements for those police seconded to the airports, there will be associated flow-on training requirements for their jurisdictional replacements/recruits.

Command and Control

Whilst the COAG plan included provision for Airport Commander appointments, we argued the model will create ongoing command and control problems, particularly in relation to disciplinary matters and issues of precedence in authority and decision-making between the Airport Commander and jurisdictional commanders. We suggested there may even be some legal implications for such a proposal that should be more thoroughly explored.

Occupational Health and Safety

The training, resourcing, and command and control issues suggested that associated Occupational Health and Safety issues will arise and there had not been any indication as to how these issues will be addressed.

Accommodation

Issues in respect to police accommodation at airports had not been addressed when the decision was made. There are a range of agreed codes of accommodation across the jurisdictions, and no one was able to advise how such variances would be dealt with.

Funding

We raised concerns about the funding model for each jurisdiction allegedly being different. We suggested that discrepancies or perceived disparity in funding between jurisdictions would be undesirable and could become the focus of inter-jurisdictional wrangling and public criticism.

Charging of Offenders

No one had clarified the charging and prosecutorial processes for persons arrested at airports at the time of the decision.

In conclusion we argued that they were creating the illusion of a significant Federal Police presence at airports whilst it was state police working under an AFP command structure in AFP uniforms performing the function. We argued that the proposal served little public benefit in cultural, operational, industrial or equity terms. Taking front line operational police away from their duties in their home jurisdiction, and placing them in an AFP community policing role at airports, we suggested, was shortchanging our local communities.

It should be noted that at the time of compiling this Annual Report very few police positions are actually filled at airports 12 months after the decision was made by COAG.

Senate Inquiry into the Law Enforcement Integrity Commissioner Bill 2006

In April 2006 the PFA made a submission to the Senate Inquiry into the Law Enforcement Integrity Commissioner Bill 2006 (The Australian Commission for Law Enforcement Integrity (ACLEI)).

The key aspect to our submission was to ensure that such a body established to investigate corrupt conduct has, as its underpinning philosophy, a process of procedural fairness and natural justice and any body or officials of a body that did not have such an underpinning philosophy would not be supported by the PFA.

The history of this Bill was that in June 2004, the Australian Government announced the establishment of an independent body with telephone intercept powers, which, if required, would be able to address corruption amongst law enforcement officers at a national level. It was proposed this independent body would have the powers of a Royal Commission.

Immediately after that announcement PFA representatives met with Senator Chris Ellison, Minister for Justice and Customs, and representatives from his office where we were asked to provide a model for the proposed body for Government's consideration.

Chief Executive Officer's Report

(Continued)

Since that initial submission we have argued that only serious issues of corruption should be dealt with by the proposed body, with lower level issues remaining within the Ombudsman's purview, and administrative issues being addressed by police management.

We made a number of recommended changes to the proposed Bill, several of which were supported by the Committee. A key point in respect to issues we raised related to ensuring that state or territory police who may be investigated by the ACLEI cannot suffer double jeopardy by then being investigated by relevant state anti corruption bodies for the same issue.

Mental Health

In last years Report I reported extensively on our submission to the Senate Select Committee on Mental Health. Throughout the past 12 months we have continued to keep ourselves apprised of the committee's hearings, in particular those issues that might affected police.

In the final report of the Committee the key issue to come from the recommendations, in respect to policing, was in relation to training.

In our submission we specifically raised our concern that simply increasing training for police could mean that mental health professionals and other members of the community might consider that as a result police are well enough trained to deal with all mental health issues when we are not.

As a result Recommendation 88 stated –

"In recognition that in rural areas police and ambulance services often attend and manage crisis situations without specialist assistance, ensure that rural police and ambulance services are a high priority for mental health first aid training"

A further recommendation in respect to the National Mental Health Advisory Committee is expected to ensure that police, welfare workers and family carers were targeted for mental health first aid programs.

Subsequently COAG announced a Mental Health Package of \$1.9 billion over five years for a wide range of mental health services. The challenge for policing is to ensure that that additional funding goes into areas of mental health that will alleviate the current mental health workload on police.

Proposal for a National Police Service Medal

In March 2006 the PFA made a submission to the Justice Minister arguing for the current 'National Medal' to be replaced with an 'Australian Police Service Medal'. (we have subsequently suggested the proposed new medal be called a National Police Service Medal to avoid confusion with the Australian Police Medal (APM))

We argued that all Police jurisdictions throughout Australia have their own in-service systems of honours and awards which were implemented to meet the requirements of recognising the service of their own members and to alleviate the identified deficiencies of the Australian Honours and Awards in relation to specific recognition of police service.

Our submission suggested that the National Medal, which was instituted in 1975 with the introduction of the Australian Honours and Awards system, recognised diligent long service in various uniformed services and was therefore not police specific. Our current proposal would see the introduction of a Police specific medal.

The National Medal, awarded after 15 years diligent service with a Clasp awarded for each additional 10 years diligent service, was originally issued to members of:

- the Australian Defence Force;
- Australian police forces;
- Australian fire services; and
- Australian ambulance services.



Chief Executive Officer's Report

(Continued)

In 1982, with the introduction of the Defence Force Service Awards, members of the Australian Defence Force were issued with the Defence Force Service Medals (for regular Army, RAN and RAAF service), the Reserve Force Decoration (RFD – for officers in the Reserves) and the Reserve Force Medal (for non-commissioned officers and other ranks in the Reserves) in lieu of the National Medal. Whilst the medal was awarded after 15 years, Clasps were awarded every five (5) years as opposed to 10 years for the National Medal. (The three (3) Defence force Service Awards were replaced in 1988 with a single Defence Long Service Medal).

Then in 1982 the National Medal criteria were varied to include voluntary service in the originally designated police, fire and ambulance services. In 1986 members of the Australian Protective Service became eligible for the award and in 1987 members of Australian correctional services and emergency services also became eligible. In 2004 members of the former NSW State Rail Transport Investigation Branch (Special Constable Transit Police) became eligible for the award and in 2005 proposals were put forward to have various quasi-policing roles recognised by award of the National Medal – these include the Victoria Police Protective Services Officers, NSW Police Special Constables (Security Officers), South Australia Police Security Services and Queensland State Government Protective Security.

Our submission argued that it was now timely that the diligent service by sworn members of all Australian police jurisdictions be recognised under the Australian Honours and Awards by the creation of a police-specific National Police Service Medal.

Our suggestion was not meant to down grade the current National Medal. The new proposed medal we argued would reflect the status of the policing role in contemporary society and the realities of policing in the twenty-first century. The precedent had already been set in 1982 when the Defence Force Service Awards replaced the National Medal for military personnel.

We also suggested that the proposed new medal would not effect the entitlement to the award of either the Australian Police Medal or the Police Overseas Service Medal issued under the Australian Honours and Awards.

A National Police Service Medal, we argued, would be a tangible acknowledgement by the Federal Government of the unique role that our sworn police play in the preservation of peace, the protection of life and property and the maintenance of law and order throughout Australia.

Our submission and recommendation is at the time of compiling this report before Police Commissioners whose support we are seeking.

Emerging Issues

The following issues have also been identified over the past 12 months as having significant longer term implications for policing in Australia.

Strategic trends and national security

There has been an increasing intense Government focus on national security and counter-terrorism. It is disappointing that in many respects policing issues were rarely mentioned in this context, although police have an important role in implementing Anti-Terrorism Legislation, in performing terrorist attack first responses, and in overseas peacekeeping operations, whilst also being required to maintain their community policing role. Our concern about the lack of reference to the police role is highlighted in this report in our submission to the Joint Committee on Foreign Affairs, Defence and Trade Inquiry into Australia's Regional Strategic Defence requirements.

Related issues such as the lack of funding to support the expanded role of police, the lack of strategic planning on national security issues, and the Australian Government propensity to rely on State and Territory police forces to fulfill a continued and unplanned surge capacity need are also major issues of concern.

Chief Executive Officer's Report

(Continued)

Whilst policing issues have not traditionally been addressed in terms of the wider national (and international) security environment, the pressures of the Australian Government's international relationships, the perceived increased threat from sectarian groups, and changes in domestic priorities (both from governments and the public), are resulting in unsustainable demands upon individual officers and police forces as a whole. The representation of Australia's police forces as separate entities is being challenged by these over-riding national and international pressures. This issue will require ongoing monitoring and attention to ensure that the policing message is being adequately heard in the national security dialogue.

Pandemic/Climate Change/Natural Disasters

Again, policing issues were not on the radar in public discussions and planning about the threats to public health and safety in relation to a flu pandemic, or natural disasters associated with climate change. Police officers are "the first in and the last out", and play an important community safety and coordination role during these kinds of critical incidents. Cyclone Katrina and the inundation of New Orleans clearly demonstrated the importance of the police during catastrophic events – the achievements of the police force(s) contrasted positively with the activities of other US government agencies, as noted in numerous reports examining the handling of the crisis.

"The Australian Management Plan for Pandemic Influenza", as published on the Department of Health website in late 2005, made no reference to protecting police officers with priority anti-viral protection. This issue was raised by the PFA with the Minister for Health. Given the vulnerability of the public health system in the event of a major crisis (or simultaneous crises), it is likely that police officers will be required to perform a range of public health support and public safety activities. The Minister for Health's support in this matter is highly desirable, and the PFA has offered to brief him on the vital nature of the services provided by police officers in the event of a pandemic.

Asia-Pacific peacekeeping operations

While keeping a watching brief on the involvement of police in the RAMSI peacekeeping mission in the Solomon Islands, and on the possible re-entry of police advisors to Papua New Guinea, the security situation in East Timor rapidly deteriorated in May 2006. Despite the East Timor Government's request for police peacekeepers to quell violent public disturbances, the Australian Government sent ADF personnel, followed several weeks later by the AFP's IDG, and later augmented with officers from State and Territory jurisdictions.

As previously mentioned, the frequent and ongoing use of police officers by the Australian Government to quell the security situations of our near neighbours has highlighted several important issues: the lack of surge capacity in policing to meet these short-term rapid intervention, and longer-term monitoring needs; the blurring of responsibilities between ADF personnel and police officers; and related resourcing and on-going recruiting issues.

Several other matters that have been emerging over recent times that the PFA has been monitoring include –

1. OH&S Harmonisation moves
2. Moves to nationalise workers compensation arrangements
3. The Federalism Debate

Whilst there has been significant agreement over the proposal to harmonise OH&S issues, the issue of a national workers compensation system has not the same support. This outcome is currently being vigorously pursued by the Australian Chamber of Commerce & Industry (ACCI). Bearing in mind the ACCI's outspoken support for WorkChoices, their push for a national workers compensation scheme should be closely examined before any support from Police is considered.

The third issue concerns the recent debate about Federalism.



Chief Executive Officer's Report

(Continued)

The Organisation for Economic Co-operation & Development (OECD) has recently prescribed an aggressive and contentious reform agenda for Australia, including an overhaul of the federal system of Government. It has called for a special focus on reducing inefficiencies created by the system of overlapping state & federal government responsibilities. Whilst policing is not specifically mentioned it is obvious that there are potential overlaps. What this might mean to policing is yet to be seen, however for the PFA it is a significant matter in that the longer term issue of funding of state & territory police will come into question.

There is no doubt that the current Federal Government, using their superior economic base, is slowly eroding the traditional States power base. This is likely to have significant implications for policing in the long term and the way police agencies have traditionally been funded. The operations of COAG have done little to give any comfort that such an outcome will not continue.

The PFA needs to closely monitor the formation by the States and Territories of the Council for the Australian Federation, to be established in Canberra. The PFA should engage with this state controlled and funded body in an endeavour to ensure greater consultation in the COAG process.

Grants

During the past 12 months the PFA applied for the following Grants:

- \$3,000 was awarded by the Department of Veterans' Affairs *Saluting their Service Program* for a History of Australian Police in Overseas Peacekeeping Missions. (On behalf of the United Nations Police Association of Australia). A submission requesting matching funding was also forwarded to Senator Ellison, Minister for Justice Customs which resulted in an additional \$6,000 being awarded through the IDG. Research on this project is being undertaken by Superintendent Terry Jacobsen from NSW Police who is currently attached to the Australian Institute of Police Management (AIPM) at Manly
- A submission outlining a proposed National Police Workforce Planning Study (as earlier reported on) requesting funding was presented to Senator Ellison
- \$50,000 was requested from the Office for Women *Women's Leadership and Development Programme* for a pay equity research project by the Women's Advisory Committee. Whilst we are advised that our submission was favourably viewed, the PFA was assessed to be an ineligible organisation. We are currently evaluating ways of re-submitting this valuable project
- \$3,000 was awarded by the Davos Connection for in-kind sponsorship covering conference fees for our Research Officer Amanda Myers to attend the National Future Summit 2006 in Brisbane.

Other issues

- In May 2006 the CEO was invited to attend the Kokoda Foundation Workshop "*National Security in 2015 – Views from outside Government*". This closed workshop was attended by a range of non-government organisations to discuss the current national security agenda.
- We undertook a Budget analysis of "*Budget 06/07*" identifying outcomes for policing which was circulated to the Executive for information.
- The PFA prepared a detailed response in respect to "*Indigenous issues and policing*" for the Minister for Indigenous Affairs Mal Brough for input to the national Indigenous Law and Order Summit in June 2006.
- The PFA provided input by way of a submission to Standards Australia for "*AS 4806.1 CCTV Draft Australian Standard – Part 1 (Management and Operation Code of Practice)*".

Chief Executive Officer's Report

(Continued)

Conclusion

The foregoing report indicates the array of issues that the PFA has pursued over the past 12 months.

It has been a challenging period for a range of reasons but none more so than the changing industrial environment. The WorkChoices legislation, reported on in both this years and last years Annual Reports, places a real threat over the way we can continue to represent our members into the future. The fact that our national organization, established less than nine years ago and formed after a unanimous decision of the High Court, is under threat from federal legislation, bears testament to that changing environment.

The April 2006 Executive meeting at Bungendore however, reinforced the commitment of Australia's Police Associations and Unions to stay united. PFA President Peter Alexander voiced the appropriate words when he said –

"...if we as a collective decided on a course of action, we have the ability & capacity to deliver on that course".

The Executive decided on a course of action and that was to ensure that the PFA remained as a federally registered industrial entity. Our challenge now will be over the next two years, ensuring that outcome.

Not only has the industrial environment changed, but the policing environment continues to do likewise. Pressure for resources and funding, from terrorism and community and member expectations continue to grow. The challenge for the PFA and its Branches is to be proactive and strategic in relation to those issues and the many more matters as outlined in this report.

During the past 12 months the introduction of a research capacity at the PFA proved a great success and thanks go to Amanda Myers for her work as our inaugural researcher.

In closing I wish to place on record my appreciation of the ongoing continued support of the Branches and the Executive. Our unity is our strength and in these difficult times that unity is vital.

National President Peter Alexander has continued to be of great support and counsel and has been a tower of strength and a great leader for this organization particularly during the IR debate. I also wish to place on record my sincere thanks to our Office Administrator Debbie Martiniello who has once again proved she is an extremely capable and dedicated administrator.



The PFA Executive with Opposition Leader Kim Beazley and Labor's Shadow Ministers responsible for Policing, National Security and Defence, as well as Justine Elliott former QLD Police Officer and now member for Richmond (NSW) and Chris Hayes former PFA National Industrial Officer and now member for Werriwa at a meeting in Parliament House in June 2006

With a strong Executive and leadership our 50,000 members will continue to be well served into the future.

Mark Burgess

Chief Executive Officer



Industrial Report

Interjurisdictional Mobility

During the past 12 months the Executive tasked the Industrial Planning committee (IPC) with developing a detailed Interjurisdictional Mobility Policy.

That work was completed in September 2006 and has been referred back to the Executive for their comment and finalization at the November 2006 Executive meeting. The outcomes of that discussion and ultimate policy will be reported on in next years Annual Report.

Police Overseas Workers Compensation and Rehabilitation Bill

As with the Interjurisdictional Mobility policy the issue of the development of the Police Overseas Workers Compensation and Rehabilitation Bill has been referred to the IPC. (A detailed report on the history of this issue can be found in the CEO's Report).

At their July 2006 meeting the IPC invited a range of subject matter experts as speakers including –

- Geoff Ashurst – Coordinator for Veteran's Affairs – AFP
- Major General (Rtd) Bill Crews - National President RSL
- Mark Johnson, National Manager, Compensation Policy, Department of Veteran's Affairs
- Greg Isolani KCI Lawyers Melbourne
- Norm Webber – United Nations Police Association of Australia (UNPAA)

Key issues addressed by the speakers was the differences between the Veteran's Entitlements Act (VEA) the Military Rehabilitation Compensation Act (MRCA) & the Safety Rehabilitation Compensation Act (SRCA).

An IPC sub committee consisting of Mark Burgess, Norm Webber (UNPAA), David Smith (AFPA), Chris Kennedy (VIC) and Rod Harty (NSW) was endorsed by the Executive and has commenced a process of developing a strategy to ensure the development of an appropriate Bill.



Major General (Rtd) Bill Crews (National President RSL) and Mark Burgess (PFA)

Conditions of Service documents

In an endeavour to assist Branches when preparing for enterprise bargaining negotiations the IPC has continued to develop comparison conditions of service documents for use by Branches when preparing their claims.

These general documents include comparisons of issues such as –

Hours of work	All Shift and Shift Penalty allowances
Overtime	Higher duties Allowances
Plain clothes allowances	In Charge allowances
On Call allowances	Recall allowances
Motor Vehicle Allowances	Out of Pocket expenses
Travel allowances	Recreation Leave entitlements
Long Service Leave entitlements	Recall to court whilst on leave

Industrial Report

(Continued)

The IPC has also continued to undertake work on all comparisons for issues affecting Commissioned Officers across the country including –

Instrument of appointment	Term of Appointment
Rules on reversion	Rules applied on further promotion
Performance Agreements	Non renewal benefits/loadings
Hours of duty	Overtime/Penalties
Shift Penalties	All up/Annualised Salary

Like comparisons for family friendly policies have also been undertaken by the women's Advisory Group and are reported on in that section of this report.

Australian Crime Commission (ACC) plans

As reported earlier in this report in the section on "Protecting and improving the terms and conditions of employment, rights and entitlements of members" it was reported that the proposal to take members to the ACC on a leave without pay basis as opposed to them being seconded as has historically been the case. The proposal we believed was to allow the ACC to offer members a contract of employment arrangement as opposed to their current home based terms and conditions of employment.

A range of concerns was raised by the IPC and reported back to the Executive. They included:

- Members are currently seconded & therefore are still technically employed by their home jurisdiction. The current situation is that they are also on their home jurisdiction's terms and conditions of employment. A change from a 'seconded' status to a 'leave without pay' status will likely change that arrangement
- The ACC would be free to offer police some form of contract of employment (AWA or the like) for a designated period of time on terms and conditions determined by the ACC. The PFA is opposed to any form of AWA or contract style employment for police
- The ACC require police from various jurisdictions to be able to utilise their police powers whilst at the ACC. There would be some question as to whether those powers would be available under a 'leave without pay' arrangement
- What would prevent this type of arrangement being used by other State and Federal Government Agencies that currently have police working for them on secondment
- Member's superannuation entitlements could be affected
- Promotion opportunities/salary increments may be interrupted as leave without pay is not usually counted as years of service
- If members are on leave without pay does their home jurisdiction have any call over them in respect to discipline
- Who will be expected to provide their police specific in-service training?

The Executive determined that each Branch would take these issues up directly with their Commissioner and Minister and report back to the PFA.



Women's Advisory Committee Report

As with the IPC the Women's Advisory Committee maintains a matrix of comparisons of model conditions of employment across Australian police jurisdictions and New Zealand focusing on family friendly conditions. They have also used the matrix to compare what are considered benchmark standards for these issues across the wider workforce. Issues include:

- Paid Maternity Leave
- Carers Leave
- Part Time Policing
- Flexible rostering
- Pregnancy policy
- Career breaks
- Paid Paternity Leave
- Return from Maternity Leave
- Pre-natal leave
- Child Care – employer sponsored/subsidised
- Job sharing
- Working from home
- Purchase leave
- Superannuation implications for part –time workers

In line with its charter the WAC has continued to monitor its key priority *"the attraction and retention of women officials into police unions"*. To assist in achieving that outcome they have also developed a mechanism of tracking the outcomes of that strategy. Issues being monitored and reported on include –

- The formation of Women's Branches and/or Reference Groups
- Union provided child care
- Participation of Women at Executive/Board Level
- Activist Training Model implemented
- Statement of Principles Regarding Anti-Discrimination and Fostering Principles of Access and Equity
- Anna Stewart Memorial Project Implemented

The next WAC Meeting is scheduled for early 2007 in Wellington New Zealand and will be used by the NZPA to encourage greater female participation in the NZPA.

Affiliates – Reports

NEW SOUTH WALES

I am pleased to provide this report which summarises the work of the 'NSW Branch and its associated body, the Police Association of NSW over the past twelve months. The major achievements of these organisations have resulted from the professionalism and hard work its staff through their commitment to maximise the involvement of the membership at all times. The ongoing evolution of the Branch focus model and its organising focus has meant that the branch was able to utilise the collective strength of the near 100% of police who choose to be members to attain the landmark Death and Disability cover for post 88 police and a decent salary deal.

Teams of Industrial officers, Legal Advisory officers and Organisers have worked together with Executive members, Branch Officials and activists to assist and empower local Branches to negotiate local issues and resolve disputes. Their commitment to member training has been complimented by a greater focus on region forums. At the same time they have enhanced their 'subject matter expertise' in their professional fields and so ensured that the service to individual members has been enhanced.

Key to our success has been the role played by the Information Organising Centre (IOC) staff who have been crucial in ensuring a timely response to member inquiries enabling other staff to focus on organising opportunities and major issues.

The ongoing role played by our field services staff in respect to attendance at critical incidents has been crucial in maximising the welfare of members and ensuring their legal rights are protected.

The Legal Financial Assistance Scheme remains one of our most important member benefits and the most significant commitment in terms of branch expenditure. Some changes to processes initiated by Assistant Secretary, Phil Tunchon and his staff, have ensured that the scheme evolves to meet the needs of the membership. The Medical Entitlements Team initiative I reported in 2004 has been enhanced and recently expanded as we move into the implementation of the Death and Disability scheme and other entitlements for post '88 members.

Finally I would like to express my personal gratitude for the efforts of Ray Collins who recently stood aside from his role as Assistant Secretary Industrial. His commitment both to industrial matters and the organising model in particular has ensured that the branch is at the forefront in terms of police salaries and conditions as well as being in a strong organisational position to tackle the challenges ahead. His role in respect to post '88 entitlements is an important one and will permit him more time to devote to his family and community commitments. Your union and its members have been well served by his efforts.



Bob Pritchard, President

Death and Disability (Blue Ribbon Superannuation)

The 2004 Biennial Conference gave the branch a clear direction to pursue a Blue Ribbon Superannuation scheme for post 88 members incorporating equitable Death and Disability benefits.

I am pleased to report that the Death and Disability scheme has been achieved following an extensive public campaign involving front line members in media, political and industrial action. This will be judged as the single most significant achievement by your union and ends more than 15 years of inequity.

Throughout 2004 your negotiators established an 'in principle' agreement regarding the terms and conditions for the scheme. Achieving a final outcome however required the active involvement of members in a campaign to pressure the government to commit the money required to make it a reality. Consequently your Executive endorsed the following campaign, which was also designed to achieve a positive outcome in the salary negotiations which were occurring concurrently.



Affiliates – Reports

NEW SOUTH WALES *(Continued)*

Protect the Force – Respect Policing Campaign for Death and Disability Coverage Post-88 Members and a Premium Pay Package for all Police

The campaign was launched on 28 February 2005 with two mass meetings of members at Sydney at Parramatta. These meetings achieved saturation media coverage and were very well attended. They were followed by a series of mass meetings of members in key regional centres of Orange, Batemans Bay and Wollongong/Tamworth, Coffs Harbour, Newcastle and Wagga Wagga. These proved tremendously successful with great turnouts and media coverage. Branch Officials, Executive members and staff all worked extremely hard to make these a success. The campaign was complimented by the production of flyers, and stickers as well as the strategic use of the media including the Police News.

The meetings passed motions setting a deadline of 31 March 2005 for the Government to make an acceptable offer for Death and Disability Coverage and 20 May 2005 for the Government to make an acceptable pay offer. The initiative of utilising injured members telling their stories to the meetings and to the media proved to be very powerful and was significant in the success of the campaign.

Ultimately the campaign resulted in the Minister committing to our demands for funding which would not discount the salary outcomes and a commencement date of 23 July 2005.

The scheme provides benefits for on duty injuries of up to 8.5 times salary upon death or medical exit when totally and permanently disabled (TPD); up to 8.33 times salary upon being medically exited when partially and permanently disabled (PPD). Off duty benefits are \$250,000 upon death (under age 60) or medically exited when TPD and up to two years pay if medically exited PPD. Appeal mechanisms including access to the Industrial Relations Commission will be available in respect to any dispute concerning the entitlements or coverage.

The new scheme covers injuries and illnesses which occur both on and off duty and provides lump sum compensation in addition to workers compensation and superannuation entitlements.

Following complex negotiations regarding administrative arrangements, the Industrial Relations Commission endorsed the Death and Disability Award late last year. The Award details all member entitlements and enshrines the transitional provisions negotiated with NSW Police covering those members who are not automatically covered under the insurance arrangements. It will ensure that the rights of members are protected and are able to be enforced.

Total cost of the scheme is 5.4% of salary with NSW Police meeting 3.6% for the On Duty cover effective 23 June 2005.

Last year the branch conducted a vote via an E mail sent to all members employed after 1 April 1988 to determine whether the Off Duty Death and Total and Permanent Disability benefit should be indexed in line with movements in salary at a contribution level of 1.8% or that the benefit level remain fixed at \$250,000 for the life of the death and disability award (1.3%). Over 70% of members, who responded, voted to accept the indexation alternative. As a result members determined the employee contribution would be 1.8% for off duty cover payable from 1 July 2005. Salary sacrifice effectively provides members with a reduction to the contribution levels of between 31.5% and 48.5% than if payment were to be made as an after tax contribution (dependant on salary level and marginal tax rate).

Consistent with the direction of conference the scheme is compulsory and covers all members sworn in after 1 April 1988 and those who are members of the First State Super Scheme and the State Authorities Superannuation Scheme (see below). Scheme benefits are in addition to any workers compensation or accumulated superannuation entitlements. It does not cover members of the Police Superannuation Scheme (pre 88 members) or members of the old State Superannuation Scheme as these schemes already provide compulsory cover for death and disability. Appeal mechanisms including access to the Industrial Relations Commission will be available in respect to any dispute concerning the entitlements or coverage.

The branch has been actively involved in minimizing the number of members not covered by the scheme due to the coverage criteria imposed by the Minister. As a result only a small number of members have been identified by NSW Police and the insurer as not being currently eligible for coverage. These members have been written to advising them of their eligibility status and what they would need to achieve under the agreed transitional arrangements to be eligible for coverage.

Affiliates – Reports

NEW SOUTH WALES *(Continued)*

We are represented on the transitional committee established under the award to oversight the coverage, return to work and eligibility of members on Return to Work Programs as of 23 June or who return to work after that date. From the original list of 89 many members have now been accepted for cover by the insurer or have met the transitional requirements agreed to. The remaining ones are being monitored to maximize their chances of rehabilitation and or payment of a benefit.

The Death and TPD cover for SASS members with Additional Benefit Cover (ABC) for Total and Permanent Disability is still to be implemented at the time of writing however the Award provides that such members will not be disadvantaged in the event of medical exit in the interim.

Other initiatives that the branch has pursued which link to the Death and Disability Scheme include amending legislation to allow voluntary placement of police into civilian positions, the creation of an additional 8 return to work coordinators, establishing a fair and transparent medical discharge process as well as requiring all vacant positions to be first offered to the Permanent Restricted Duties Unit to assess if permanently injured officers are capable of filling the position.

Implementation of Award 2005

The second major industrial issue for the branch has been the implementation of Award 2005. The outcome was reported in last years report and represented the culmination of a 3 year campaign which was developed by former Assistant Secretary Industrial, Ray Collins, which saw the claim being underpinned by the branch's organising and branch focus operating model. The early involvement of members in surveys, professionally conducted focus groups, and specialist forums ensured that the claim and the ultimate outcomes were owned by the membership.

Significant participation by members in mass meetings and the media campaign ensured that the government were in no doubt of the unity of the membership and were significant contributors to a successful outcome. Branch Executive and delegates to the Special Conference called to consider the offer overwhelmingly voted to recommend it to the membership following the receipt of expert industrial and legal advice. The fact that 73.52% of members who voted supported the offer is indicative of the inclusiveness of this campaign.

The Award delivers significant advances in salary and employment conditions. It builds on the significant salary increases achieved by the branch over the past decade. Consistent with our longstanding campaign for overlapping pay scales we have expanded this concept into the supervisory and managerial ranks and maintained the rank of Senior Sergeant. This is a particularly significant achievement that builds on our previous success establishing the Leading Senior Constable pay scales. It continues the salary reform process championed by the branch and will deliver significant benefits in terms of reducing the importance played by promotion as it affects remuneration and will reduce the pressure on that system. Major points are as follows:

- All members will receive a minimum of a 17.1% increase payable within 3.5 years
- No Trade Offs
- Shift allowances increase by 17.1%
- On call allowances increase by 17.1%
- Increases in Special Duties Allowances of 17.1%
- Death and Disability Coverage for all post 1988 members (cost to Government of 3.6 % pa (14.4 % total over the duration of the new Award) and cost to post 88 members of approximately max 1% via salary sacrifice
- 214 Leading Senior Constable Positions (for reallocation to General Duties and other duty types eg: HWP, Transits, etc)
- 14 weeks paid Maternity Leave (increase from 9 weeks)
- 1 weeks paid Paternity Leave (previously unpaid)
- Access to Extended Leave after 7 years (previously 10 years)
- Ability to take Extended Leave at double pay
- Agreement for the branch to make application to the IRC seeking a review of the formula for the calculation of shift allowances



Affiliates – Reports

NEW SOUTH WALES *(Continued)*

From 1 July 2006 implementation of new Sergeants pay scales

- Increase for sergeants (inclusive of across the board increases) of up to 24%.
- Accelerated incremental progression and overlapping pay scales into the senior sergeant rates.

From 1 July 2006 implementation of new Senior Sergeants pay scales

- Increases of 20.85%
- Separate rank continues - provides a new incremental point after 4 years on the rank

From 1 July 2006 implementation of new Detectives Pay Scales

- Detective's constables progress increments every year on a new 10 year scale.
- Accelerated incremental progression for constables to LSC rates after 8 years.
- Consolidation of the Special Duties Allowances and Plain Clothes Allowances into salary rates. This has resulted in increases to the rates paid upon appointment and after 3 years of the existing SDA. Linking the plain clothes allowance to salary will now mean that it increases according to salary and not CPI – over 12% during the term of the Award.
- Accelerated incremental progression for detective sergeants and overlapping pay scales into the detective senior sergeant rates
- After the first two years, detective sergeants progress increments every year on a new 6 year scale.
- Accelerated incremental progression and a further increment for detective senior sergeants in accordance with the attached salary scale. The same requirements as detective sergeant apply.

From 1 July 2006 implementation of new Salary scales for Commissioned Officers

- Inspector's remuneration based on an 8 year scale which rationalises the existing inspector/chief inspector/duty officer remuneration structures to provide one classification for inspectors with three remuneration levels each with four increments and two common salary points.
- Rationalisation of the Superintendent's salary scales

A range of conditions were agreed to as part of the offer. These were negotiated and are not in the nature of trade offs of existing conditions and entitlements. They provide that the branch will have input into a range of issues including:

- No further claims during the terms of the agreement unless by agreement.
- Introduction of lateral entry into NSW Police of appropriately qualified persons with experience as a police officer in other Australian jurisdictions. Including an agreed method of assessing qualifications, recognition of prior learning and bridging course requirements and be consistent with legislation in place since 1997
- Review Flexible Rostering Guidelines to encourage Commands to develop more innovative rosters to better facilitate their operational policing needs; reinforce the need for periodic review; develop objective criteria to measure the effectiveness of flexible rosters and ensure 12 hour shifts and the rights of members are protected.
- Clarify the accountability of Local Area Commanders by linking the performance requirements in Fixed Term Appointments to more rigorous performance conditions.
- Review the NSW Police Secondary Employment Policy, to reform the processes for the approval, review, and management of police secondary employment.

Dedication of the National Police Memorial

29 SEPTEMBER 2006





On the evening of 29 September 2006, the new \$2.4 million National Police Memorial in Kings Park, Canberra, was formally dedicated in a ceremony watched by thousands of the Australian police family.

More than 700 officers from all jurisdictions dressed in their finest ceremonial garb marched the 1.6km from Old Parliament House to the memorial site where Prime Minister John Howard dedicated the memorial.





In his speech, Prime Minister Howard said that the occasion was “... a moment not only of reflection for many of us but it is a moment of great sorrow and anguish for many families whose loss of loved ones in the line of police duty is still a sad and traumatic memory ...”







“I know I can speak for all of you in expressing our commitment to the cause of strong policing within our community in honouring and remembering those more-than-700 Australians who have given their lives in their work as police and in also expressing our admiration and gratitude for the men and women of all the police forces of Australia,” Mr Howard told the gathering.





Dedication of the National Police Memorial

29 SEPTEMBER 2006



Affiliates – Reports

NEW SOUTH WALES *(Continued)*

- Agree to continue participation in the Duty Officer Project trial, aimed at focusing on the managerial performance of these officers. It is not the aim of this trial to reduce duty officer positions.
- Participate in the sector wide review of the Transferred Officer entitlements, consistent with the longstanding flow-on provisions of these arrangements.
- Link specialist training to a period of tenure in a specialist position, e.g. officers to remain working as a criminal investigator for a minimum period of two years following the successful completion of the Detectives Education Program (designation).
- Introduce a pecuniary interest register for senior police, to be managed by the Commissioner, and accessible by the Police Integrity Commission.
- Flow on of the flexible transfer provisions for Inspectors, (as previously introduced for Superintendents)
- Continue to advance the profession of policing by establishing a framework for negotiations regarding ongoing educational requirements.

The branch negotiators are working to implement the award entitlements and negotiate the various issues agreed to in a way acceptable to the membership.

Appeals on Dismissal Protected

The branch was also successful in protecting the rights of members who are dismissed to having a full merits based appeal before the Industrial Relations Commission (IRC). Members will recall the bitter campaign fought in 1997 to restore appeal rights when they were arbitrarily withdrawn during the Royal Commission. The legislation, which was enacted to settle the dispute, provides for the same processes and procedures to be applied to hearings involving police, as is the case for other employees. It provided a right to a “fresh and independent decision” by the Industrial Relations Commission by requiring the tribunal to assess the allegations, make an assessment as to the credit of the applicant and the other witnesses and make a decision on the merits of the case. For some inexplicable reason the NSWAP attempted to thwart these basic right by arguing in the IRC that the entitlement was restricted and that the various statement makers and complainants did not need to be made available for cross-examination

The branch intervened in the case before the Full Bench of the IRC who upheld an appeal against an earlier decision from a single Judge, which had supported the NSWAP approach despite 7 years of cases being heard under settled and well-established principles. This was a disgraceful attempt to reduce a basic member entitlement and served only to delay justice for the member involved.

Listening Device Warrant

The branch has been active in pursuit of a resolution to the concerns raised by members regarding the infamous Listening Device Warrant arising from Operation Jets/Florida. The Commissioner of Police was persuaded to initiate an inquiry codenamed Emblems, which attempted to properly investigate the circumstances surrounding the warrant and whether there was any illegality or impropriety.

Despite the best efforts of investigators the refusal of the State Crime Commission to permit any member covered by its secrecy provisions to be interviewed effectively ensured that they were not able to properly establish whether there was any substance to the allegations. All complainants involved were debriefed by Assistant Commissioner Dobson who over sighted the investigation.

In respect to the request for access to the media briefing notes the Commissioner advised that there were no records of notes in the Commissioner's office. It was assumed that they were either handed back by the then Commissioner or taken with him.

The Commissioner advised that he had tabled the Emblems report at a meeting of the State Crime Commission Committee. They resolved that all documentation from the Emblems investigation be referred to the Director of Public Prosecutions. The DPP subsequently advised that it had insufficient evidence to prosecute the issue remained unresolved and was unlikely to be pursued further.



Affiliates – Reports

NEW SOUTH WALES *(Continued)*

It would seem that the only prospect that this issue will ever be resolved lies with a current review by the NSW Parliamentary Committee over sighting the PIC. It is reviewing (amongst other things) the Florida / Jetz reference. The branch will attempt to keep this issue alive before Committee

Police Powers

The branch continues to be vigilant in terms of protecting the profession of policing from by the security industry (both public and private). Police powers both legislative and those intrinsic to the Office of Constable are what define the profession. The power of arrest in particular is such a significant and important power that it should only be available to professional sworn police officers with the training, expertise and oversight that is fundamental to policing in a western democracy.

Over the past 12 months we successfully thwarted proposals to provide such powers to State Transit Officers, Centennial Park and Moore Park Rangers as well as Waterways officers. It is anticipated that such attempts will continue by various agencies and it is critical that we continue our vigorous opposition.

Legislative Changes

An enormous amount of legislative change involving the police portfolio has been passed by the parliament in the past year. At last count 27 separate pieces of legislation have been passed or are in their final stages. The branch has appreciated the opportunity to have input into most of the changes to the law and whilst our views do not always prevail it is fair to say that the Government takes our opinion seriously. The Death and Disability Act, the REAP legislation and the laws enabling members to lawfully record conversations with motorists via audio and in-car video are important changes for working police where we have had significant input.

Our capacity to block legislation that would create problems for front line officers should also not be diminished. Proposed changes to the procedures relating to search warrants that would have rivalled a Hollywood production were successfully thwarted. Our continuing campaign regarding LEPR is designed to reduce the burden of red tape as is the important proposals we have put forward to reform the procedures in respect to Domestic Violence. We are also confident of achieving reforms which would prohibit the publication of the names of members referred to the PIC merely because there is a legislative requirement to do so. The unnecessary damage to the reputations of members arising from operation VAIL should never be repeated.

Future Challenges

Strength Campaign

Members would already be aware that the branch has taken the initiative to commence a campaign in the lead up to the 2007 state election for an increase in strength of 3,000 over the term of the next government. Building on the problems encountered at Cronulla and operation SETA the claim was launched in late January with a positive media and community response.

Our Research Centre has produced a comprehensive research document that supports the claim. A comparison of international and interstate forces has revealed that, utilising police to population ratios NSW is considerably behind like forces. This combined with the changed policing environment in respect to terrorism following September 11 and having regard for public order management has confirmed the anecdotal evidence coming from Branches and individual members that we have insufficient police to perform the roles expected of us. The Government subsequently announced an additional 750 police will be employed over the next 12 months. Whilst we applaud this initiative the branch has argued that this is a good first step in what ought to be a much larger commitment over a sustained period.

Many Branches have commenced a range of initiatives designed to highlight this issue at the local level. The 2006 Biennial Conference developed strategies to prosecute this claim and maximise the involvement of all members in order that we achieve commitments from both sides of politics in the lead up to the election.

Affiliates – Reports

NEW SOUTH WALES *(Continued)*

WorkChoices

The Commonwealth Government's attempt to change the Industrial Relations system in this country has significant implications for all working people including police officers. Whilst we will be initially shielded from the direct 'reforms' there can be no doubt that either directly or indirectly police will be affected by the changes. At some point State Government's will find handing over what remains of their Industrial Relations powers to the Commonwealth irresistible, especially if GST monies are offered as an incentive. Even if this was not to occur, the changes in the Federal system will inevitably have an effect on the state systems. The anticipated erosions in entitlements and rights federally will ultimately be reflected in outcomes in the state systems.

The branch has therefore been actively involved in the campaign against the legislation via our affiliation with Unions NSW and at a national level through the Police Federation and the ACTU. We have gained assurances from the NSW Government that they will not hand over their powers; unfortunately the state opposition is yet to commit their position. At a national level the PFA has done a great job to obtain a written undertaking from the Prime Minister that *"the Commonwealth therefore will not seek a future referral of powers from state governments in relation to state police"*. This is carefully worded and does not commit the Commonwealth Government should NSW offer such a referral. The position of the state opposition will therefore be crucial in regard to our position in the short term.

The Branch Biennial Conference held in May 2006 was addressed on this issue by a panel of experts in order that delegates were sufficiently informed to enable them to give the branch some direction. As a consequence delegates unanimously endorsed our continued participation in the campaign both financially and otherwise. An important observation was made in respect to this issue by a prominent Police Union Official from Texas, Ron DeLord when he stated that "you may not be first in line but understand you are in line".

Superannuation Surcharge

As reported last year the Branch engaged in a comprehensive lobbying exercise in the lead up to the last Federal Election in an effort to resolve ongoing anomalies with the taxation treatment of our old superannuation scheme. As a result both sides committed to a closer examination of the anomaly and subsequent to the election the Branch has continued to pursue this issue. Whilst the surcharge has been abolished effective 1 July 2005, the issue of outstanding surcharge debt accumulated by members has yet to be resolved. Following discussions with the PFA CEO, a meeting was organised with the new Assistant Treasurer Peter Dutton on 15 February. The meeting was especially productive with the result that the Australian Taxation Office has invited the fund trustees to make a submission on an alternative method for calculating the application of the superannuation surcharge.

This is a significant breakthrough and the Branch through Rod Harty has been working with the Trustees to progress the issue. They have provided a submission to the Taxation office on more favourable alternative method of calculating surcharge for those affected members. We are now awaiting final agreement of this alternative calculation method by the ATO and their advice as to how and when the complex administrative issues can be resolved in order that some of the surcharge previously paid or levied can and will be refunded to members.

Bob Pritchard

President
NSW Branch

Affiliates – Reports

VICTORIA

The Victoria Police branch of the Police Federation of Australia is the organisation through which we conduct matters of national importance and relevance to our members and is also where we deal with major industrial issues.

During the past year, the branch has continued to meet on a monthly basis. During those meetings we have discussed the proposed 2006 enterprise agreement together with the work of the joint working parties formed as a result of the Victoria Police certified agreement that was finalised at the end of 2001. The primary issue that confronts us at the current time is the negotiation of EB 2006. It is about time that the Victoria Police force ceased its attempts to avoid negotiating with us. We want a new agreement in place at the time of the expiry of the current agreement, which is December 2006. It is regrettable that the force has to be convinced to come to the negotiating table to talk with us about the log of claims that was served on them on 16 June this year and to negotiate an appropriate pay outcome for our members and a community safety outcome for the people of Victoria. We remain determined to negotiate a fair and reasonable pay outcome for our members in EB 2006. The Victorian branch conducted a series of workplace meetings throughout the State, leading to a general meeting held in Melbourne on 14 June 2006. The log of claims that was presented to the members at that meeting was endorsed.



Dean Thomas, Vice President

I am also pleased to say that the general meeting endorsed that there be no trading off of members' existing terms and conditions as part of the current EB 2006 negotiations. The general meeting also resolved that prior to any agreement being entered into, a further general meeting of members be held and at such meeting, the recommended 'in principle' position negotiated be considered. This ensures that the members are consulted continually throughout the negotiation process and it is the members who will have the final say in relation to sign-off or otherwise of the negotiated position reached during negotiations on EB 2006.

A further motion was carried at that meeting, condemning the unprecedented action taken by the Chief Commissioner, to directly interfere in the internal affairs of the Association, in an attempt to undermine its ability to strongly represent the membership towards achieving improved pay and conditions in EB 2006.

I would like to take this opportunity to thank the Presidents and their representatives from all other Police Federation of Australia affiliates who came to Melbourne for a meeting on 25th May 2006. That meeting carried a unanimous motion, noting the unprecedented attack by the Chief Commissioner of Police in Victoria which directly interferes with the internal affairs of The Police Association of Victoria and the Victorian branch of the Police Federation of Australia, in initiating an investigation and as such, condemned those actions undermining the fundamental principles of a free and independent trade union movement.

On 3 July this year, The Police Association launched its 'sign up for community safety' campaign outside Carlton Police Station. We were particularly pleased with the interest displayed by our members, the media and the community. We were also pleased to be joined at the campaign launch by Victorian of the year and well-known youth worker, Les Twentyman, who signed up for community safety on behalf of the community. The Police Association's campaign is aimed at improving community safety by securing a better allocation of frontline police officers, improved pay and conditions for all members, greater professional recognition for police and to keep experienced police and attract more police. Our campaigning has been taking place throughout the State with all of our country and suburban launches being well attended by members with an equally keen interest being displayed by local and state media outlets.

Earlier this year the Howard Government introduced the draconian workchoices legislation. This legislation is not in fact about choices, but is instead about giving employers more power to arbitrarily deal with their employees, particularly in relation to the ability to make collective agreements, individual contracts, the taking of industrial action and the termination of employment. The federal government has also moved to make the Australian Industrial Relations Commission a 'toothless tiger'. The Police Association is concerned about this federal legislation, which potentially affects our ability to collectively bargain on behalf of our members. We are also concerned about the employment termination provisions of the legislation and the fact that all of the power and authority, as a result of the introduction of this legislation, is vested in the employer.

Affiliates – Reports

VICTORIA *(Continued)*

The taking of industrial action will no longer involve our members attending a meeting and voting with their hands to take industrial action in the event that EB 2006, for example, cannot be resolved at the negotiating table. The taking of industrial action now involves a secret ballot of members, 50% of whom must vote and more than 50% of those voting must support the industrial action before it can be approved. This means that members of The Police Association must be more united than ever in order to ensure that the log of claims served, is properly negotiated and that a satisfactory outcome can be achieved. Any breakdown in our united position will be exploited by the employer and may result in an outcome that is not the best that we can possibly achieve.

Earlier this year our members in Victoria presided over the security arrangements for the 2006 Commonwealth Games that was attended by various dignitaries. I take this opportunity to congratulate all of our members involved in a successful policing exercise in that the Commonwealth Games was successfully conducted in this State, due in no small part to their professionalism and commitment.

The Victorian branch continues to be concerned about the decision of the federal government to allow the Australian Federal Police to abrogate its responsibilities to the safety and security of our major airports, including Melbourne. The Victorian branch is concerned that the Australian Federal Police, in failing to meet its own security responsibilities to Commonwealth properties, including our airports, has instead relied on State and Territory branches to provide a community policing response to these airports, 24 of our members being deployed at Melbourne airport. Despite assurances received by us from the Commonwealth Government that the States have received equivalent funding for these positions, our concern is that we are losing the experience and expertise, in our case of 24 police officers, who are to be replaced by inexperienced recruits.

Finally, I would like to take this opportunity to thank Police Association delegates and assistant delegates for the work that they do on behalf of our members. We look forward to your continuing work on our behalf and on behalf of your constituents at this vital time in our EB 2006 negotiations.

Dean Thomas

Vice President

Victorian Branch

Affiliates – Reports

WESTERN AUSTRALIA

This has been another interesting year when it seems we have bred another group of change agents amongst our senior police, all of whom seem to believe they need something radical on their curriculum vitae. Change for the sake of change sake without research, without resources and without member support has had an immense impact on the Union and our members over the past 12 months. No one opposes reform, but please let's make sure something is broken before we fix it.

The one recurring lesson I have learnt is that communications between all levels of management and their staff is virtually non-existent. The past 12 years have been one of calming our members and negotiating reasonable outcomes while opposing the more extremist schemes. On a more positive note, personal relationships between the Union and the Police Executive are extremely professional and the doors are always open.



Michael Dean, President

National Police Memorial

September 29 2006 was a historic day for Australian policing with the formal dedication of the National Police Memorial by the Prime Minister, Australian Police Commissioners, Legacy and Unions/Associations.

More importantly, the families of those who fell in the line of duty in West Australia were there, thanks to the efforts of your Union and Police Legacy.

This national symbol of respect and recognition is of immense importance to the still grieving families and to all police officers.

All those who contributed should be proud of this memorial. It was a 30-year project which many believed would never happen.

Indeed, it would not have been possible without the personal sponsorship and efforts of the Hon. Christopher Ellison, Minister for Justice and Customs, Senator for Western Australia. Australian police owe a debt to Mr Ellison.

West Australia also wishes to express a sincere 'thank you' to PFA Secretary Mr Mark Burgess.

EBA 2006

Our claim is an ambitious 20% over two years and includes a re-introduction of the 38-hour week, equalisation of the seven-year long service provisions, a police-specific death and disability scheme and extra promotional positions.

Our arguments include the State economic boom, national comparisons, attrition/recruitment rates and work load and value increases.

The Government offer of 4.5%, 4% and 4% over three years as of 1 July 2006 was rejected with the Union applying three months of intensive media advertising, rallies and work-to-EBA action.

The Government has made an interim administrative payment of 4.5% back paid to 1 July and the entire case commences before the West Australian Industrial Relations Commission for arbitration on 6 December 2006.

Tenure

Without doubt the major continuing concern for the majority of members is the tenure policy and its rigorous application. It has bred a gypsy-like group of employees who are constantly uprooting their families on short notice and being transferred anywhere. This even applies in the metropolitan area where, regardless of performance, officers are constantly on the move.

The inequity of this policy - which generally does not include Commissioned Officers or specialist units - is despised by members and is the source of many of our resignations and retirements.

Affiliates – Reports

WESTERN AUSTRALIA *(Continued)*

It is used as a brutal management weapon without consideration for officers' families or wellbeing.

Despite the current staff numbers crisis, numerous critical articles and continuous representations to management nothing changes.

Retention/Recruiting

West Australia is booming and recruitment and retention is a major problem facing the service. The one positive note is the 100 former British and Irish officers who have been recruited.

The following figures indicate a concerning trend in an overall service strength of 5,000:

TOTAL POLICE SEPARATIONS 2003	= 192
TOTAL POLICE RECRUITS 2003	= 277
TOTAL POLICE SEPARATIONS 2004	= 200
TOTAL POLICE RECRUITS 2004	= 307
TOTAL POLICE SEPARATIONS 2005	= 296
TOTAL POLICE RECRUITS 2005	= 344
TOTAL POLICE SEPARATIONS 2006	= 260
TOTAL POLICE RECRUITS 2006	= 317
(Sept.2006)	

Police Assaults

In 2005, 1383 WA officers were assaulted during the course of their duties. The much published serious assaults on Shane Grey, Jeremy Marklew and Claire Neesam highlighted the disgraceful neglect by the State Judicial system. The going rate for assaults on police seemed to be \$100 fines.

After a substantial Union advertising campaign, the Government has now legislated a circumstance of aggravation for public officer assaults and we watch with interest whether the courts will now take their duty seriously and start making an example of such offenders.

Regardless of the legislated changes which are welcomed, the Union stands by its position that a mandatory 6 months imprisonment should be applied to all offenders who assault police.

Discipline

The Union is has been working with the Corruption Prevention and Investigation Portfolio on a "Managerial Approach to Discipline" which will not include the utilisation of the discipline provisions of the Police Act.

In brief, the majority of complaints will generally result in unfavorable reports accompanied with a management plan designed to avoid a repeat of further complaints. Performance management and training are its cornerstones with the model based on education.

A feature of the new system is the accountability of supervisors for the behaviour of their staff. Training and evidence-based decision making are an integral part of the new process. As always, any action taken to a person's detriment will require justification and appeal processes will always be available.

For the vast majority of members the days of formal interviews and appearances before discipline tribunals will be over.

The Union supports the introduction of this new system and notes that the NSW Police Association with a similar scheme is highly complimentary. They regard the system as less confrontational and certainly they have seen benefits in matter of timeliness and the fact that issues are dealt with at local level.

While still in its infancy, we have high expectations that this new system will be fairer and more constructive for not only for members but the police service as a whole.



Affiliates – Reports

WESTERN AUSTRALIA *(Continued)*

Political Landscape

In the past 12 months we have had three Police Ministers. These changes began with the sudden departure of The Hon Michelle Roberts after six years who was followed for a brief period by The Hon John D'Orazio and now The Hon John Kobelke.

It is important to acknowledge the contribution of Mrs. Roberts, a good friend and powerful ally to the police service who made a significant positive mark on Policing and dispelled those naysayers who said a woman was not strong enough for the job.

Mrs. Roberts doubled the police budget - an outstanding outcome. Beyond her building program, her support for strong effective policing will be her enduring legacy.

The Hon John D'Orazio only held the position for three months and after a Corruption and Crime Commission hearing he resigned and is now an independent member of Parliament.

The current Minister for Police the Hon John Kobelke who became the Government's public figurehead in the current pay dispute. Perhaps when the dust has settled from that a more productive relationship will develop.

We also have a new Opposition police spokesperson Mr Rob Johnson highlighting police issues in Parliament. Certainly his commitment and passion for policing augurs well for the future. I must also thank former police officer Mr. Murray Cowper MLA who has assisted Mr. Johnson.

Our legislative agenda for 2007 includes support for injured police, police numbers, buildings and extra superannuation benefits.

Finances

The business of the Union has performed extremely well over the past year with our budget well into the black. As a result we have purchased two more holiday homes.

Branch Officials

Generally most branches have been quiet over the past 12 months with officials undertaking the crucial role of negotiating local issues with District Superintendents. Many of the HR issues have been handled exceptionally well and are a credit to the strength of our branch system.

Those members who participated in our first accredited Officials Training Course were very impressed when fully briefed on the extent of the Union's business.

Executive

With the recent completion of the directors' elections, it is appropriate to thank retiring directors Darryl Kaye, Jai Allen, Alan Gordon, Kevin Looby, Steve Clark and Paul Ferguson.

They have all committed themselves, their time and expertise to the Union without question. The many achievements of the Union are theirs to claim and I wish them all well for the future.

I warmly welcome our new directors Mark Fyfe, Kim Sadlier, Noreen O'Rourke, George Tilbury, Peter Pothoff and Craig Keals.

In conclusion, I thank all members and particularly our branch officials and directors for their personal support and confidence in me. I am very privileged to be the President of this special organisation.

Michael Dean

*President
WA Branch*

Affiliates – Reports

SOUTH AUSTRALIA

This has been another busy year for the South Australia branch. We have seen further implementation of the enterprise agreement of 2004, which included the introduction of a new rank system. Further submissions were made to Parliamentary select committees relevant to police issues. And, although SAPOL has recruited more than 100 serving British police officers, staffing levels remained a serious issue. The Rann Government was re-elected in March. It has committed to recruiting an extra 100 officers per year for four years above natural attrition. SAPOL will continue to recruit UK officers to meet this target. SAPOL, on average, lose approximately 150 officers per year by natural attrition. In the next four years, approximately 1000 new police officers will come into SAPOL. The SA Branch was instrumental in securing a commitment from both major political parties in the lead up to the state election. Other government commitments include:

- Legislative change to police superannuation.
- Extra funding for police housing.
- Stronger powers to enable police to do the job the community expects of them.

The branch has vigorously supported members who had to appear before the Kapunda Road Royal Commission; and we have lobbied the Government for legislative change to reflect the commission's findings.

The branch sought and secured amendments to the Police Officers Award consistent with the wage-fixing principles, affirmed by the Full Bench of the South Australian Industrial Relations Commission, in the state wage case of July 2005. Some allowances were increased.

Other issues of note include:



Peter Alexander, President

Patrol Tutors

EA 2004 provided for the creation of a patrol tutor function to manage the development of cadets during out phase and probationary constables during the first six months of service after graduation. Members eligible to become field tutors are permanently appointed constables, senior constables or senior constables first class who, within a metropolitan local service area, work in general-duties or traffic postings. A daily payment of \$8 (patrol tutor allowance) is made to designated patrol tutors for each day they undertake the function. The field tutor positions are linked to the revised Constable Development Programme that commenced in March. This revised programme requires all probationary constables to be posted to one of the six metropolitan local service areas. The branch supports the field tutor concept. The concept has created six additional sergeant positions and one senior sergeant position. It provides recognition to members who take the time and make the effort to act as mentors to trainees.

Vietnam Veterans

A number of retired and serving branch members served with the Australian military in the Vietnam War. The branch liaises with the Royal Australian Regiment Association SA, which supports veterans with issues such as post traumatic stress disorder (PTSD). We wish the association well in its endeavours to provide support for the wellbeing of veterans and their families.

Enterprise Bargaining

EA 2004 nominally expires in November. The final salary increase of 3.5 per cent was payable from the beginning of the first pay period which commences on or after June 30, 2006. The first salary increase in the next enterprise agreement will apply from the beginning of the first pay period commencing on or after July 1, 2007. The branch will debate issues for progression in the next enterprise agreement at its delegate's conference in October. The new *Fair Work Act 1994* – which replaced the *Industrial and Employee Relations Act 1994* – has extended the duration of an enterprise agreement for a term not exceeding three years. The duration had been two years. Police have nonetheless had wage increases annually since the first SA Police enterprise agreement in 1995.



Affiliates – Reports

SOUTH AUSTRALIA *(Continued)*

New Rank

EA 2004 required SAPOL to conduct an examination of the work performed in positions classified as senior sergeant. This is to determine which senior-sergeant positions are appropriate for reclassification to a new rank between those of senior sergeant and inspector. The new rank will, as part of the next enterprise agreement, be introduced from July 1, 2007. Before the examination of the senior-sergeant positions begins, the parties (SAPOL and the branch) will confer on the process and criteria to be used for the conduct of that examination. The branch's senior sergeant working party will formulate the branch's position regarding the process and criteria to be used by SAPOL for the conduct of the examination. No other Australian police jurisdiction has a non commissioned officer rank between those of senior sergeant and inspector. SAPOL and the branch will break new ground and the rank will provide a further promotional opportunity for members in the future.

Airport Policing

The atrocities of September 11, 2001, have brought aviation security into the sharp focus of governments across the globe. And Australia has been no exception. The Australian Government has strengthened aviation security through legislation, funding and resourcing. It also announced that Sir John Wheeler would review security and policing at Australia's airports.

In all states and territories, other than South Australia, police will provide the service at airports as employees of their home jurisdiction – with home jurisdiction wages and conditions. They will wear the AFP uniform and report to the airport commander. In South Australia, SAPOL has determined to provide up to about 25 police to the AFP. In an arrangement similar to those of the IDG, SAPOL will provide selected members with leave without pay and grant secondary employment for a period of two years. Those members will be sworn in as special officers with the AFP, wear AFP uniform and report to the airport commander at the Adelaide airport. They will receive AFP salary entitlements, undergo a short training course with the AFP and be required to obtain security clearances as well as undertaking the AFP drug- and alcohol-testing arrangements.

A number of issues about the secondment model were a concern for SAPOL, for example, dual reporting responsibilities and discipline arrangements complicated matters. The main issue for SAPOL, though, was the legislative requirements of the *Workers Rehabilitation and Compensation Act*, which did not allow SAPOL to contract out of the Act without Workcover's consent. Workcover has refused previous SAPOL requests for IDG secondees. The other States don't have this legislative impediment.

In a post-September 11 world, the need to police airports is axiomatic. As Wheeler commented, government decision makers have to treat aviation matters, and issues of perception and concern, with exceptional care and attention. But is the secondment of experienced police from state and territory forces an appropriate policing model? In time, one can expect the recruitment of police for this role and function will be the full responsibility of the AFP. AFP Commissioner Mick Keelty acknowledged that the AFP would need more resources to perform airport security. He told *The Australian* that as the AFP took on new challenges it would obviously need to look at increasing resources, and may need to consider recruiting from similar jurisdictions overseas.

Faulty Ammunition

The branch welcomed the release by SAPOL of the findings of the enquiry into the issue of shrapnel from department issue Smith & Wesson revolvers. For some time, the branch had harbored concerns about this issue because officers had suffered injuries during training sessions with the weapon. Ammunition, reloaded by the police department, has now been identified as a major factor in causing the shrapnel. SAPOL is now using factory rounds for all training. Debate over the most suitable police-issue handgun continues. Given that the handgun is a most important tool of trade for operational police officers, the branch simply wants its members to be issued with the best one available.

Affiliates – Reports

SOUTH AUSTRALIA *(Continued)*

Inappropriate Bail

STAR Group officers shot an armed man after he had rampaged through the northern suburbs this year. From this incident arose questions about why the man, who had a lengthy criminal history, was given bail when he had been charged earlier with serious aggravated robbery. It is, to say the least, disappointing when courts bail dangerous repeat offenders. And this incident served as another example of the way in which police are forced into dangerous situations with desperate criminals. On this occasion, the police had to deal with a menacing armed offender, who put not only their lives at risk but also those of innocent members of the community.

The continual release on bail of offenders with extensive criminal histories – after committing further serious and aggravated offences – is a concern to the branch. It will raise the issue with the Attorney-General and Police Minister in the near future and focus on the potential for changes to the Bail Act, insofar as repeat offenders are concerned.

Dismissal Rights

The decision of the High Court in *Ferdinands v Commissioner for Public Employment* (2006) HCA 5 makes it clear that there is no review on the merits of a decision of the Police Commissioner to terminate an officer's appointment on the ground that he/she has been found guilty under the law of the State (Police Act, 1998, Section 40). This concerns the branch and has been raised with the Government since the High Court decision. It seems incongruous that an appeal exists for the dismissal of a police officer convicted for a breach of discipline, while none exists for a conviction for any breach of statute. Nothing in the Parliamentary second-reading speech in 1998 suggests that this was the intention of the Parliament. The branch looks forward to prompt action by the Government to address this issue.

Superannuation

The Commonwealth Government has announced several proposed changes to the current superannuation system. Subject to the passage of the proposed changes through the Commonwealth Parliament, they will operate from July 1, 2007. The proposals will:

- Reduce the taxation of benefits received by persons aged 60 and over.
- Simplify the taxation of benefits

The current tax on post-June 1983 benefits paid as a lump sum to members of the above schemes who are aged 60 or over will change to 15 per cent for amounts of up to \$700,000. Amounts above this will be taxed at the top marginal tax rate.

Currently, a member would pay approximately \$43,000 in tax if cashing a \$200,000 post-June 83 amount after age 60. Under the proposed changes this tax bill would drop to about \$33,000. Post June-1983 benefits withdrawn as a lump sum before age 60 will continue to be taxed at the current rates up to \$700,000. Amounts above this will be taxed at the top marginal tax rate. Police Pension Scheme paid as pension income received from the Pension Scheme will continue to be taxed at the member's marginal tax rate, but the member will receive a 10 per cent tax offset from July 1, 2007, if aged 60 or over.

Currently, a member pays tax on his or her pension income at marginal tax rates less a deduction for personal contributions. This would continue to be the case for members under age 60. But, after age 60, they will receive a 10 per cent tax offset in addition to the deduction for personal contributions. For example, it is proposed that, after age 60, a member with an assessable pension income of \$40,000 would have \$4,000 to offset against any tax payable. In other words, he or she will pay \$4,000 less tax.

In light of these proposed changes, members planning to retire before July 1, 2007, and/or before age 60 might need to review their retirement strategy and seek professional financial advice. In simple terms, current and future superannuates in all police superannuation schemes will, from July 1, 2007, pay less tax on lump-sum and indexed pensions. This will only apply, however, when aged 60.



Affiliates – Reports

SOUTH AUSTRALIA *(Continued)*

DNA

The introduction of South Australia's DNA legislation has helped clear up both recent and historic serious crimes. Clearly, DNA analysis stands as the most significant advantage in criminal investigation work since the introduction of fingerprinting more than 100 years ago.

The recent Dean case in the District Court highlighted the need for immediate legislative change to ensure that South Australia has workable and efficient DNA legislation. The current situation, which involves a "use-by" date for DNA samples, must undergo change.

Mandatory destruction requirements contained in the Criminal Law (Forensic Procedures) Act, 1998 – relative to DNA profiles obtained in forensic procedures – are surely not in the public interest. Now, offenders can avoid conviction because of the onus on police to destroy DNA samples that link them (offenders) to crime scenes. This came about because Parliament determined that, in some circumstances, samples had to be destroyed by a pre-determined date. And, extraordinarily, the legislation provides penal consequences for police if they intentionally or recklessly retain information on the database beyond the time of the scheduled destruction of the material. Any suspects' rights and liberties are, of course, important, but these provisions are ludicrous. SAPOL is compelled, as a consequence of these legislative requirements, to provide extensive resources to determine if DNA specimens and profiles need to be destroyed in line with the destruction provisions of the Act. It has been suggested that the time required to clear the backlog of samples for destruction is 52,000 person hours.

This is a situation of pure farce, and the government must act quickly to address it. It is one thing to enshrine in legislation appropriate criteria for police to obtain suspects' forensic material for DNA analysis. It is quite another to require police to destroy a lawfully obtained DNA sample, even in consideration of civil liberties. This requirement is in the interests of neither the public nor crime victims. One can find far too much history of criminals beating the system because of poor legislation; and our current DNA laws will undoubtedly result in more acquittals on technical grounds. The branch will discuss this important issue with the Attorney-General in the near future, and lobby all Upper and Lower House MPs on behalf of the community, victims of crime and police.

Peter Alexander

President

SA Branch

Affiliates – Reports

AUSTRALIAN FEDERAL POLICE ASSOCIATION

The Australian Federal Police Association (AFPA) Branch of the Police Federation of Australia (PFA) is at a unique point in its history. The introduction of the Federal WorkChoices legislation has and will continue to have, a profound effect on the way we conduct our business with Policing agencies and Governments into the future.

There has also been significant change in relation to Australian law enforcement. The Federal Government has led the way in relation to public policy initiatives addressing national security and regional security concerns. State and Territory governments have implemented complimentary initiatives leading to all Australian law enforcement agencies diverting resources towards national security and regional security. The threat of terrorism and failing States has fundamentally changed law enforcement in the 21st Century.

Unfortunately, the national security environment, coupled with the new WorkChoices regime, may result in a volatile cocktail mix. Australian Federal Police (AFP) employees may well be the casualties of the war on terror as their employment rights are reduced by wide ranging practices being imposed on them so as 'not to fetter the Commissioner's Command Powers' in this new law enforcement environment.

We have seen a more adversarial and autocratic approach arise within the AFP. In fairness to AFP management, there is a direct correlation between this new managerial approach and the rapid expanding responsibilities being placed on the limited resources of the AFP.

The AFP, managers and employees, are being placed under immense pressure to deliver on public policy relative to national security and regional security concerns.

It is important to take stock of reality. With all the additional functions imposed on the AFP including Counter Terrorism and the International Deployment Group (IDG), the AFP human resources remain the same size as twenty years ago, with actually 300 less sworn police officers. The AFP is on the edge of imploding due to the critical staff shortages as a result of expanded responsibilities placed on it by the Federal Government.

As mentioned earlier, the changes in the AFP's approach to managing its human resources and in the processes governing accountability have in many ways been a direct result of the heightened national security environment, facilitated by changes brought about under Work Choices legislation.

This volatile cocktail mix has seen AFP management:

- claim that whilst AFP employees are deployed overseas on the International Deployment Group (IDG) that they lose their right to union representation and coverage because the AFP claims that s.40(H) (2) of the AFP Act 1979 (Commissioner's IDG Determination) displaces AFP employees rights under the Work Choices legislation;
- ignore the only affordable dispute resolution process open to AFP employees, being the external and independent Board of Reference;
- attempt to reinterpret the spirit of AFP Regulation 24 in relation to the AFP Commissioner's obligation to have an independent review process for his employment decisions under the AFP Act 1979;
- support the Attorney General's Department's National Law Enforcement Policy Branch's draconian amendments to the AFP Act which remove internal and external independent review mechanisms for AFP employees in relation to punitive Professional Standards (PRS) outcomes; and
- refuse to resolve AFP employee disputes in a consultative manner with expensive and adversarial legal action often being the only course of action available to the AFPA, on behalf of individual members.

We are also seeing a change in police management culture from the learning and questioning environment to one of forced loyalty through a political and command structure that now does not facilitate constructive feedback or discussion.



*Jon Hunt-Sharman,
National President*



Affiliates – Reports

AUSTRALIAN FEDERAL POLICE ASSOCIATION

(Continued)

It is imperative that all Police Officers, including Police Commissioners retain their independent office of Constable. It is also vital that this independence is maintained and supported through transparent and independent external review mechanisms being available to all law enforcement employees in relation to any Commissioner's managerial and employment decisions. The removal of such democratic mechanisms risk replicating the society envisaged in George Orwell's novel '1984'.

This point can be no better demonstrated than in the AFP Commissioner himself, being accused by the Foreign Minister Alexander Downer of "expressing a view which reflects a lot of the propaganda we've been getting from Al Qaeda"

The AFPA is fighting hard to protect law enforcement employees' rights and to protect the independent office of Constable.

On behalf of our members, the AFPA:

- is negotiating with the AFP for the Protective Service Officer Collective Agreement and the AFP general Collective Agreement to include an external and independent Board of Reference arbitration model as the dispute resolution process for all AFP employees;
- is preparing Federal Court action in relation to the AGS legal interpretation of s.40(H) (2) of the AFP Act 1979, to prove that AFP employees are covered under the Work Choices legislation whilst deployed on the IDG;
- is preparing Federal Court action in relation to the AFP Commissioner failing to provide an independent review process for his employment decisions under the AFP Act; and is preparing to challenge legal advice reinterpreting the spirit of AFP Regulation 24;
- is lobbying Federal politicians to support the unanimous recommendations of the Senate Legal & Constitutional Legislation Committee Report into "Provisions of: Law Enforcement Integrity Commissioner Bill 2006; Law Enforcement (AFP Professional Standards and Related Measures Bill 2006."2 which supports the AFPA recommendation that both legislations include internal and external independent review mechanisms for AFP employees in relation to punitive outcomes; and lastly
- has restructured the AFPA National Office to include 'in-house' Legal counsel; an Industrial expert on Work Choices legislation; and the capacity to initiate political and public media campaigns in order to resolve law enforcement employee disputes, not resolved through genuine negotiation and/or legal action.

Although other Australian unions may struggle under the WorkChoices legislation, as AFPA National President and Vice President of the Police Federation of Australia (PFA), I can assure law enforcement employees that the Federal Government's industrial reforms will in fact strengthen the AFPA and the PFA's lobbying & bargaining capacity.

Similar industrial legislation in New Zealand, United States of America and Canada have led to Police Unions having significant political power compared to their trade union counterparts.

It is a redefining time for law enforcement organizations as well as industrial organisations in Australia. On both counts, the AFPA and PFA have successfully adapted to the new environment. Our members will now benefit from the strategic action taken by both the AFPA and our mother entity, the PFA. We are ready for the challenges ahead.

We, as a strong and influential sector of the Australian community, are committed to protecting the rights of law enforcement employees against changing national security imperatives.

We are stalwartly committed to protecting and improving the employment terms and conditions of our members and protecting the independent office of Constable.

Affiliates – Reports

AUSTRALIAN FEDERAL POLICE ASSOCIATION

(Continued)

In a broader sense, we are also committed to protecting the Australian public by providing objective analysis of public policy decisions made by government and government agency heads. We will continue to voice the views of the federal law enforcement practitioners who actually protect Australians from criminal attack. Their voice is often the voice of reason in a volatile and often media driven, environment of fear.

Jon Hunt-Sharman

AFPA National President and PFA Vice President

George Orwell from his novel *1984*

'The two aims of the party are to conquer the whole surface of the earth and to extinguish once and for all the possibility of independent thought...

All that was required of them was a primitive patriotism which could be appealed to whenever it was necessary to make them accept longer working hours or shorter rations.

They could be made to accept the most flagrant violations of reality, because they never fully grasped the enormity of what was demanded of them, and were not sufficiently interested in public events to notice what was happening...If anyone disobeyed they could throw him into prison, or they could take his job away and starve him to death.'



Affiliates – Reports

TASMANIA

Once again the Tasmanian Branch of the Police Federation of Australia has had a productive and eventful year. The events of the past year also brought a sober reminder about the dangers that police officers face in their efforts to keep the public safe. A routine traffic stop nearly ended the life of one of our officers when he was shot a number of times by the offender and left for dead. This incident highlighted a number of issues facing frontline police including single officer patrols, an effective communications system and adequate provision of information to officers.

Negotiations continued with the Government on the provision of a reliable radio network, members enjoyed the second installment of their well deserved pay rise, quotas continue to cause frustration with frontline police and the new Federal industrial relations laws are being closely watched in terms of their impact on hard fought working conditions.



Randolph Wierenga – President

Police Shooting

'It can never happen here', is a phrase often used in Tasmania when referring to the horrors that occur elsewhere and it is sometimes used as a justification for a different approach to matters. The events of Port Arthur 10 years ago clearly proved these people wrong. Another sobering reminder that Tasmania is not immune from possible tragic events occurred when one of our members was gunned down after a routine traffic stop. This event highlights the very real dangers that police officers face around the country. It also prompted Tasmania Police to conduct a review into single unit policing. This Branch has argued over the last 10 years that single unit patrols are a thing of the past and should not be practiced without proper systems in place to protect our members. We can only hope that the review will herald the phasing out of single unit patrolling and that members will be safer for it.

Police Radio Network

The saga continues. A membership survey highlighted many problems with the current network. Difficult contractual issues and the desire by the Government to move to a whole of government radio network have caused delays in the provision of a new network for police officers. The Government have reiterated their commitment to it and the sooner the better as far as our members are concerned. It is expected that lessons have been learnt as a result of the current unreliable and inefficient system.

Enterprise Bargaining

The current Enterprise Bargaining Agreement (EBA) expires in June 2007. The Association will be commencing discussions in the next few months with the Government on what the new EBA should contain. At the recent State Election in March 2006 the Association negotiated the following promise from the Premier on salaries.

Police salaries and conditions have never been more competitive. Through strong and responsible economic management, Labor has been able to bring police salaries into line with their interstate colleagues.....

Labor will keep Tasmanian salaries for police officers competitive with their mainland counterparts. We will, in consultation with the Police Association of Tasmania, establish a nexus formula to make sure that police officers salaries continue to increase in-line with their interstate colleagues.

In the meantime members will have another 8% increase in December which will mean a total of 30% over three years. It has been a long haul for the PAT but this increase brings the salary more in line with salaries paid to police officers interstate.

Affiliates – Reports

TASMANIA *(Continued)*

Benchmark or Quota

Members still hold grave concerns about this issue. It is quite clear that the benchmark process has been about driving activity. Its effect on other areas of policing are open to debate – one which hasn't happened yet. To hold District Commanders and Divisional Inspectors personally responsible for crime levels when many influences are outside their control is bereft of any intellectual rigour and simply undermines any support there may be for benchmarking.

For the benchmarking process to gain any credibility the Government needs to ensure:

- That benchmarks are clearly linked to outcomes and not just about creating activity.
- That genuine consultation down to workplace level occurs to determine what should be benchmarked to achieve outcomes.
- An improvement to the adjustment process to provide certainty and reasonableness. This should include a formula based on resources available to achieve benchmarks.
- A less adversarial style is incorporated in the Corporate Management Group process.

Industrial Relations

Members are watching with keen interest the outcomes of the Workchoices legislation on workers. Whilst currently under the State industrial laws and therefore somewhat removed from the impact, our Federal politicians should be under no misapprehension that individual contracts for police are a potential public policy disaster and have no place in the policing profession. We will be closely following the impact of the legislation and ensuring that police and policing is not adversely affected as a result.

Randolph Wierenga

President

Tasmania Branch



Affiliates – Reports

NORTHERN TERRITORY

Overview

The Northern Territory Branch has again had an active 12 months with the continuation of the implementation of the O'Sullivan Report. The implementation process has not been without its pitfalls. There is a clear division between ourselves and the government in relation to staffing increases that have occurred since 2003 under the implementation process.

The NT government is currently claiming that there will be an extra 200 police "on the beat" by the end of the 2006 calendar year. An analysis of the NT Police Annual report indicate this claim is simply not sustainable. Our branch will continue to focus attention on this issue and the development of a resource allocation model for police resources.

The NT government and Commissioner have been reluctant to undertake any work in relation to resource allocation during the O'Sullivan process. Our branch has consistently maintained that the current structure of the NT Police Force is human resource intensive and the impact of such a structure was not properly or fully considered during the O'Sullivan Review process.

Our branch has consistently maintained that changes in the policing landscape locally, nationally, and internationally have had an enormous impact on police resources and again such impact was not properly or fully considered during the O'Sullivan Review process. Locally the policies of the government and Commissioner continue to increase demands on operational police in areas such as domestic violence, anti social behaviour, violent crime, and petrol sniffing.

At a national level the knee jerk response of the Federal, State and Territory governments to the Wheeler report on airport safety further increased the demands on operational police. The recent political foray into Policing of remote indigenous communities by the Federal government will ultimately further increase demands on Territory Police resources.

The continuing deployment of Territory police to prop up Australian Federal Police international deployments impacts even further on policing capacity through direct secondments and aggressive recruitment strategies.

Other than staffing our branch is currently conducting negotiations with the Commissioner of Police in relation to a broad selection policy and the proposed revamp of the internal disciplinary system.



Vince Kelly, President

Industrial Outcomes – 2005 Consent Agreement

As a flow on from the 2005 Consent Agreement the branch has finalised agreements in relation to remote area incentives. The incentives provided will go some way to rewarding members for service at a number of non-preferred locations, however, the agreement has not resolved the underlying difficulties in attracting member to remote stations such as Kintore and Tennant Creek.

The branch is also waiting for the government to finalise legislation in relation to a more effective death and disability scheme for members who are inadequately covered due to the diminution of superannuation entitlements since August 1999.

Our branch continues to focus upon industrial outcomes in the areas of:

- Superannuation
- Disengagement Scheme
- Resource Allocation Model

Our branch will also commence preparations for the 2008 Consent Agreement during the next 12 month period.

Affiliates – Reports

NORTHERN TERRITORY *(Continued)*

Occupational Health and Safety

Our branch has been active in the area of Occupational Health and safety. The NT Police have established a consultative management committee which includes representation from our organisation.

Currently committees are being established in each workplace to assist the NT Police in meeting its obligation to our members.

Our branch has also made complaints to NT Worksafe in relation to possible breaches of the Work Health Act by the Commissioner of Police at the Numbulwar and Casuarina Police Stations. The response of NT Worksafe, the responsible authority, to these complaints, particularly the safety of Aboriginal Community Police Officers at Numbulwar has been a disgrace. Our branch will continue to focus on workplace safety in the coming 12 months.

Police Arbitral Tribunal

The Police Arbitral Tribunal has continued to provide an effective mechanism for resolving industrial disputes. Currently the Tribunal is considering a dispute in relation to the 2005 Housing Consent Agreement. Our branch remains hopeful of a positive outcome for our members.

Vince Kelly

President

NT Branch



Associates – Reports

QUEENSLAND

The past year has been another busy period for the Queensland Police Union. While there was a state election this year, the outcome was nearly identical to the previous parliament, with Peter Beattie winning a comfortable victory. Judy Spence was re-appointed as the Minister for Police, so we are hopeful of continuing our productive relationship with her. However, we have made it clear that several issues – including an increase in Police numbers, satisfactory completion of the staffing review, construction of the new Academy and Enterprise Bargaining are major issues yet to be resolved.

Police Numbers

The Government has only committed to increasing Police numbers in line with the Police to population ratio – however this will not be enough police. The QPS is about to lose people on loan to the AFP to staff airports and international deployment groups. There is pressure to increase numbers of officers on Aboriginal communities and experienced staff are resigning to go and work in Iraq and other high paying positions. The Union is hopeful of getting a firm commitment from the Government in relation to Police numbers to counterbalance these losses.



Gary Wilkinson, President

Staffing Review

The Union's focus this year has not only been about increasing the overall number of police (see above) – but also where existing police are being deployed. Our major concern has been the lack of first response police and this has been the basis of a major staffing review. This review is still underway with a report with recommendations due to go to the Commissioner and the Minister by November 30, 2006. We will then need to see some immediate action in terms of implementation to resolve some of the major problems affecting first response policing. Good progress is being made to date, however, the exact wording of the final report will be crucial to ensure that longstanding problems are resolved.

New Academy

I have been lobbying for a new academy for many years, so it was gratifying that the Beattie Government committed funding to this important facility as part of their election campaign. The Academy is to be built at Darra on 106 hectares, with a projected cost of nearly half a billion dollars – it's now just a matter of starting construction.

Remote Area Incentives

It has been very difficult to attract police officers to the more remote locations throughout Queensland. To alleviate this problem the Union has been negotiating with the QPS to develop a remote area incentive scheme. This proposal includes incentives such as education assistance, incentive payments, installation of internet/satellite TV and rent subsidy.

Bullet Proof Vests

The Union had a major dispute with the QPS this year in relation to the replacement of Personal Body Armour. Many of the current vests were found to be faulty and after a major campaign by the Union – which severely embarrassed the QPS – the service have now agreed to replace all vests as soon as their warranty expires.

Associates – Reports

QUEENSLAND *(Continued)*

Drug and Alcohol Testing

The QPS have continued with random alcohol testing throughout the year and so far only one officer has returned a positive reading. This reinforces the Union's original argument that there is not a significant alcohol problem within the ranks of the Queensland Police Service. These results also add weight to our argument that this testing regime is consuming a huge amount of money that could be better spent elsewhere.

This Union has consistently argued that while we strongly oppose the consumption of alcohol at work, we believe that this is not a significant issue and this money could be better spent addressing other related issues such as fatigue management or impairment related to shift work, excessive overtime, stress etc.

Enterprise Bargaining

The Union is gearing up for Enterprise Agreement Number 5. We have sent a questionnaire to all members and have received several thousand responses. From these responses the Union develops our log of claims which we will begin negotiating later this year. Needless to say we are hopeful of not only achieving a large pay rise, but resolving several other problems/issues that have been identified by the members.

Gary Wilkinson

President

Queensland Police Union



Associates – Reports

NEW ZEALAND

The New Zealand Police Association has had another successful year; providing industrial, legal, political and welfare assistance to members, enjoying some significant gains over the past 12 months.

At a time when many decisions around Police and policing are being made by people without policing backgrounds, it is essential the Association continues to be in close touch and speak on behalf of Police Officers who have a clear understanding of the impact poorly thought-out changes will have on the environment. The Association will continue to ensure that the inevitable, and even desired changes, to the policing environment are well scrutinised and the consequences of any such changes are fully understood by those contemplating them.

As with any organisation, financial strength is a necessity. Once again the Association and our related activities have recorded strong surpluses, allowing us to further consolidate our very solid and credible financial position.



Greg O'Connor, President

Staffing and Recruitment

After many years of bringing to the attention of the Police Administration and Government the staff shortages in the Police Communications Centres an Inquiry not only confirmed what the Association had been saying but also made recommendations resulting in considerable improvements for those working in the Centres and for the public receiving their service.

The campaign designed to increase frontline numbers has also been successful in securing two commitments from the new Coalition Government elected in the last quarter of 2005. The first is for 1000 more sworn staff, supported by an additional 250 non sworn support staff. The second, a commitment to achieve by 2010 NZ Police to population ratios comparable with those in Australia, will increase our numbers by a further 1400. A key priority for us over the next 4 years will be to ensure these promises are honoured.

One of the inevitable consequences of a major recruiting drive is finding suitable applicants, increasingly an international trend. Once again New Zealand has turned to the United Kingdom to provide some interim relief, with almost 100 new recruits from this source starting in mid 2006, a further 60 confirmed over the next 12 months, and others likely to be targeted. There have also been some moves to relax the current entry standards, initiatives we are monitoring very closely. While the majority of those graduating from our Police College will make very good Police Officers the trainers do have cause to be concerned about the quality of some of those at the bottom end of each wing.

Industrial Issues

Two major industrial issues have dominated our attention over the past twelve months.

The first was the determination by the Employment Court that members of Police are entitled to penal rates of half time extra for working on public holidays. The Administration argued the legislative requirement for the payment of public holiday loadings was built into existing Police pay, and those working on public holidays were not entitled to any additional compensation. Fortunately the Court did not agree, culminating in variations to the three collective agreements covering our members (Sworn – Non sworn – Commissioned Officers) with retrospective application to 1 April 2004.

The second is the 2006 pay bargaining round. In these negotiations we have been concentrating on the 6 key issues identified by members:

- General Adjustments
- Competency/Service Increments for members at the top of their band
- CIB incentives
- The increase on promotion
- Time Off In Lieu for working overtime
- Standby rates

At time of writing a negotiated outcome has yet to be achieved, but we remain optimistic this will occur.

Associates – Reports

NEW ZEALAND *(Continued)*

Legal Issues

The Association continues to provide legal assistance to members facing allegations and or charges arising out of their role and functions with Police. This year 132 members have received assistance at a cost of almost \$593,000. As with previous years off duty incidents continue to feature.

In addition support has been given to about 20 members facing either civil claims or private prosecutions. We are seeing an increasing trend of complainants, often not satisfied with the outcome of the complaints process, pursuing matters and seeking compensation through the civil jurisdictions.

Health and Safety

The Association continues to be actively engaged in trials of various brands of covert and overt body armour. The introduction of this equipment has been delayed by a series of issues which need to be ironed out. One which caused members some real concerns was a proposal to have reflectorised “Police” strips on the overt armour. Fortunately this initiative has been discarded and we are expecting the armour to be progressively available from late 2006.

In September this year a formal trial of the “Taser” as a new tactical option commenced at three different locations. The Association is strongly supportive of this initiative to further enhance officer safety.

Police Legislation

The overarching legislation governing the New Zealand Police is the Police Act, enacted in 1958 and subsequently amended on numerous occasions.

The Government has commenced a total re-write of this piece of legislation, with an exposure draft of a new Police Bill to be consulted on and refined before being introduced into Parliament in 2008.

While it is early days the Association is already investing heavily in the re-write, including seconding an employee virtually fulltime on this project, to ensure the new legislation is reality checked to temper any idealistic and philosophically-led changes which will not actually improve the service to the public.

Member Welfare

The Association continues to provide a wide range of welfare and financial services and benefits for members through the Police Welfare Fund.

Our network of holiday homes continues to grow. Construction has started on our 51st home, with plans for further expansion to as many as 55 homes in the next 12 months.

Our Insurances and Mortgages portfolios continue to grow with profits and commissions being retained within the Fund to enhance member benefits while our Health Insurance continues to provide the best long term value product available in New Zealand.

Greg O'Connor

President

New Zealand Police Association



Financial Statement

for the year ended 30 June 2006

TREASURER'S REPORT

It is with pleasure that I provide my second report as Treasurer of the Police Federation of Australia (PFA).

I can once again report that the PFA is in a strong financial position. We have reduced the debt on our building by a further \$85,993 and at the same time increased our net assets by \$62,911 to a total of \$619,953. We managed this outcome with only a slight increase in income of \$2,851 and while during the reporting period engaging a new employee in a Research/Project Officer. We have also continued to pay airfares for one representative from each Branch to attend Executive meetings, IPC and WAC meetings at a cost of over \$43,000 in the past financial year.

You will note that we have expended \$31,156 less in overall expenditure during this financial year compared with the 2004/05 reporting period however you will recall that in the 2004-05 financial year we committed \$90,031 to the ACTU campaign from PFA funds. The Executive has made a decision this year that further contributions to that campaign fund will be made on a pro rata basis by Branches. Our contribution for 2006/07, which has already been paid, was \$128,615 (excluding GST) which was fully met by Branches.

The reporting period also saw us expend \$63,944 on issues surrounding the National Police Memorial, including major development work on the National Police Memorial website. The Memorial Dedication and continued work on the website (www.npm.org.au) is an important but costly exercise for the PFA again this year and further expenditure will be reported on in next years Annual Report.

At the April 2006 Executive meeting I raised the issue of the PFA investigating other income sources apart from just relying on subscriptions from Branches. A perusal of our income indicates that almost 95% of the PFA's total income is generated from subscriptions. The Executive has determined to investigate other sources of funding for the PFA that would ultimately make it less reliant on subscriptions to continue to operate.

In closing I once again pay tribute to the diligent work of our Office Administrator Ms Debbie Martiniello, CEO Mark Burgess and PFA auditor Mr Tom Tsia for the way they have managed and reported our financial position. As Treasurer I was constantly kept informed of our financial position and consulted on any major aspect of expenditure whilst the reporting of our finances to the Executive was an open and transparent process.

Michael Dean

Treasurer

Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia OPERATING REPORT (OPR)

- a) The PFA's principal activities throughout the year were determined by the 2005 Federal Council Meeting and have been coordinated by the Federal Executive.

Those activities included a number of issues as outlined in the PFA's Strategic Plan and reported on in detail in the 2005/06 Annual Report. They included:

- An exemption from Superannuation Preservation Age requirements for police
- The development of policing from an occupation to a profession by continued participation in the Australasian Police Professional Standards Council (APPSC)
- The development of a Police Overseas Deployment Bill to cover workers compensation & rehabilitation arrangements for Australian police attached to the International Deployment Group (IDG)
- Development of a National Police Memorial
- Greater Federal funding of Australia's State, Territory and Federal jurisdictions
- Issues of Reportable Fringe Benefits Tax (RFBT) that are unfairly impacting on Australian police
- A \$17,000 capped Fringe Benefit Tax exemption as provided to public hospital nurses and ambulance officers
- Outstanding issues surrounding the International Deployment Group (IDG)
- Protecting and improving members terms and conditions of employment and their rights and entitlements
- The development of Police Unions in the South Pacific
- The impact of proposed federal industrial relations changes on police
- Submissions to Parliamentary Inquiries including
 - o Senate Employment Workplace Relations and Education committee Inquiry into Workplace Relations Amendment (WorkChoices) Bill 2005
 - o Senate Inquiry into Defence Legislation Amendments (Aid to Civilian Authorities) Bill 2005
 - o Joint Committee on Foreign Affairs, Defence and Trade Inquiry into Australia's Regional Strategic Defence requirements
 - o Australian Commission for Law Enforcement Integrity (ACLEI)
- Submissions to the Commissioner's Conference (PCC), the Australasian Police Ministers' Council (APMC) and the Senior Officers' Group (SOG)
- Participation in the International Law Enforcement Council (ILEC) working group
- Submissions and debates on the impact and responses to terrorism on policing and the Australian community.



Financial Statement

for the year ended 30 June 2006 (Continued)

- 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 2006 the PFA had 40,797 members
 - ii. At 30 June 2006 the PFA had three (3) employees
 - iii. Committee of Management 1/7/05 – 30/6/06

Peter Alexander (South Australia)
Jon Hunt Sharman (Australian Federal Police)
Vince Kelly (Northern Territory)
Michael Dean (Western Australia)
Bob Pritchard (New South Wales)
Janet Mitchell (Victoria)
Randolph Wierenga (Tasmania)

For Committee of Management:



Peter Alexander
President

Dated this 11th day of September 2005

Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia COMMITTEE OF MANAGEMENT'S CERTIFICATE

On the 11th day of September 2006, 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 2006.

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.

For Committee of Management:



Michael Dean
Treasurer

Date: 11th day of September 2006



Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia ACCOUNTING OFFICER'S CERTIFICATE

I, Mark Burgess, being the Officer responsible for keeping records of the Police Federation of Australia, certify that as at 30 June 2006, the number of members of the Federation was 1140797.

In my opinion:

- (i) The attached accounts show a true and fair view of the financial affairs of the Federation as at 30 June 2006.
- (ii) A record has been kept of all the monies paid by, or collected from members and all monies paid or collected have been credited to the bank account to which those monies are to be credited, in accordance with the rules of the Federation.
- (iii) Before any expenditure was incurred by the Federation, approval of the incurring of the expenditure was obtained in accordance with the rules of the Federation.
- (iv) With regard to funds of the Federation raised by compulsory levies or voluntary contributions from members, or funds other than the general fund operated in accordance with the rules, no payments were made out of any such fund for purposes other than those for which the fund was operated.
- (v) No loans or other financial benefits, other than remuneration in respect of their full time employment with the Federation, were made to persons holding office in the Federation.
- (vi) The register of the Federation was maintained in accordance with the Workplace Relations Act, 1996.
- (vii) The attached Accounts have been prepared in accordance with applicable Australian Accounting Standards.

SIGNED AT SYDNEY this 26th day of August 2006

A handwritten signature in blue ink that reads 'm A Burgess'.

Mark Burgess

Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia INDEPENDENT AUDIT REPORT

To the members of the Police Federation of Australia

SCOPE

I have audited the financial statements of the Police Federation of Australia for the year ended 30 June 2006. The Federation's Committee of Management is responsible for the preparation and presentation of the financial statements and the information contained therein. I have conducted an independent audit of these financial statements in order to express an opinion on them to the members of the Federation.

My audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards, other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) and The Workplace Relations Act 1996 so as to present a view of the Federation which is consistent with my understanding of its financial position and the results of its operations and cash flows.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In my opinion:

- (i) There were kept by the Federation in respect of the year, satisfactory accounting records detailing the sources and nature of income of the Federation [including income from members] and the nature and purposes of expenditure; and
- (ii) The accompanying accounts and statements being the Statement of Income and Expenditure, Balance sheet, Statement of Cash Flows, Notes to and Forming Part of the Accounts, Accounting Officers Certificate and Committee of Managements certificate have been prepared in accordance with Section 273 of the Workplace Relations Act 1996 and are properly drawn up so as to fairly present:
 - [a] The state of affairs of the Federation as at 30 June 2006; and
 - [b] The income and expenditure and surplus of the Federation for the year ended on that date;
- (iii) The accounts have been prepared in accordance with applicable Accounting Standards.

Where necessary, I have obtained all the information and explanations which to the best of my knowledge and belief were necessary for the purpose of my Audit.

SIGNED AT SYDNEY this 26th day of August 2006



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



Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia

BALANCE SHEET

as at 30 June 2006

	Notes	2006	2005
Accumulated Funds		<u>\$619953</u>	<u>\$557042</u>
Represented by			
Current Assets			
PCU Easy Access account	3	\$25290	\$127820
PCU Savings accounts	3	98971	120744
PCU membership fees	3	10	10
Cash on hand	4	15	23
Amounts due from branches	5	<u>22659</u>	<u>8640</u>
		<u>146945</u>	<u>257237</u>
Non Current Assets			
Property - 21 Murray Crescent			
Griffith ACT - At Cost	6	1016581	1016581
Plant & Equipment		28957	
Less provision for depreciation		<u>18893</u>	<u>10064</u>
Motor vehicle		41742	
Less provision for depreciation		<u>9653</u>	<u>32089</u>
		<u>1058734</u>	<u>1065917</u>
Total Assets		<u>1205679</u>	<u>1323154</u>
Less Current Liabilities			
Trade creditors and accruals	7	32796	47207
PCU loan secured over property	6	488795	574788
Provision for annual leave	8	24953	18965
Provision for long service leave	9	30546	25152
Provision for GST		8636	-
National Police Memorial Trust Fund	10	-	100000
Total liabilities		<u>585726</u>	<u>766112</u>
Net Assets		<u>\$619953</u>	<u>\$557042</u>

Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia INCOME AND EXPENDITURE ACCOUNT

For the Year Ended 30 June 2006

	Notes	2006	2005
Income			
Affiliation fees from branches		688147	689222
Interest received		4635	6843
Rents received		39980	36846
Government grant – Research		3000	-
		<u>\$735762</u>	<u>\$732911</u>
Less expenditure			
Audit and accounting fees	11	22650	21350
Annual leave	8	16768	17855
ACTU Affiliation fees	12	62437	149661
Bank charges and duties		133	211
Computer and website design		27438	20180
Delegation expenses	13	164384	189160
Depreciation		8383	7780
FBT		33458	40137
General office expenses	14	19270	11652
Insurances		8166	7203
Legal fees		12233	3650
Long service leave	9	5394	7985
Loss on disposal of assets		-	4687
Motor vehicle expenses		6553	5608
National Memorial expenses	15	15376	6062
Property expenses	16	66672	64268
Salary and packaging		171404	121621
Superannuation		22641	14610
Telephone		9491	10327
Total Expenditure		<u>\$672851</u>	<u>\$704007</u>
Net Surplus for the year		62911	28904
Accumulated funds at beginning of year		<u>557042</u>	<u>528138</u>
Accumulated funds at end of year		<u>\$619953</u>	<u>\$557042</u>



Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia

NOTES TO AND FORMING PART OF THE ACCOUNTS

For the Year Ended 30 June 2006

I. Statement Of Accounting Policies

The financial statements are a general purpose financial report that has been prepared in accordance with applicable Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views). The financial statements have also been prepared on the basis of historical costs and do not take into account changing money values or except where stated, current valuations of now current assets. Cost is based on the fair values of the consideration given in exchange of assets. The accounting policies have been consistently applied, unless otherwise stated.

The following is a summary of the significant accounting policies adopted by the economic entity in the preparation of the financial statements.

(a) Depreciation

Depreciation of fixed assets is calculated on the straight line method in order to write off the assets over their useful lives.

(b) 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 are made by the entity to an employee superannuation fund and are charged as expense when incurred.

(c) Leases

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

(d) Income Tax

No provision for Income Tax expense has been brought to account as the income of the Federation is exempt from Income Tax under Sections 50-15 of the Income Tax Assessment Act 1997.

2. Information to be Provided to Members or Registrar

In accordance with the requirements of the Workplace Relations Act 1966, the attention of members is drawn to the provisions of Sub-Sections (1), (2) and (3) of Section 274 which read as follows:

- (1) A member of an organisation, or a Registrar, may apply to the organisation for specified prescribed information in relation to the organisation.
- (2) An organisation shall, on application made under Sub-Section (1) by a member of the organisation or a Registrar, make the specified information available to the member or Registrar in such manner, and within such time, as is prescribed.
- (3) A Registrar may only make an application under Sub-Section (1) at the request of a member of the organisation concerned, and the Registrar shall provide to a member information received because of an application made at the request of the member.

Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia

NOTES TO AND FORMING PART OF THE ACCOUNTS

For the Year Ended 30 June 2006

3. Statement of Cash Flows For the Year Ended 30 June 2006

	2006	2005
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 Balance Sheet.		
Cash with financial institutions	\$124271	\$248574
Cash Flow from Operating Activities		
GST Received	72915	74942
Receipts from Members	673004	708373
Interest Received	4634	6843
Rents Received	39980	36846
Other Refunds – Government grant	33841	22842
Fund Held in Trust for National Police Memorial contributed by WAPU	-	100000
Total Cash Received	824374	949846
Less Cash Flow from Investing and Financial Activities		
Payment of GST Expenses	64579	48882
Payment of Employee's Entitlement	200115	134153
Payment of Loans to PCU	120000	120000
Payment of ACTU Affiliation Fee	62437	149661
Payment of Purchase of Office Equipment	1200	-
Payment of Motor Vehicle	-	41742
Payment of Other Expenses	366889	332490
Payment of FBT	33457	40137
Payment of fund held in Trust	100000	-
Total Expenditure	948677	867065
Net Increase (Decrease) in Cash Held	(124303)	82781
Cash at the Beginning of Financial Year	248574	165793
Cash at the End of the Financial Year	\$124271	\$248574



Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia

NOTES TO AND FORMING PART OF THE ACCOUNTS

For the Year Ended 30 June 2006

	2006	2005
4. Cash on Hand		
Petty Cash	\$15	\$23
5. Amount due from branches		
Queensland Police Union	11060	-
Police Association of Northern Territory	-	1696
Police Association of South Australia	5009	5268
Police Association of Victoria	-	1676
Police Association of New Zealand	5145	-
Police Association of Tasmania	1445	-
	<u>\$22659</u>	<u>\$8640</u>
6. Property-at-cost		
21 Murray Crescent Griffith ACT		
Settled on 24.1.2003	<u>\$1016581</u>	<u>\$1016581</u>
7. Creditors and accruals		
PAYG re staff wages	10796	6087
Audit & accounting fees	22000	19630
Provision for GST	-	(441)
	<u>\$32796</u>	<u>\$47207</u>
8. Provision for Annual Leave		
Balance as at 1.7.2005	18965	13488
Add additional provision for the year	<u>16768</u>	<u>17855</u>
	35733	31343
Less paid during the year	<u>10780</u>	<u>12378</u>
Balance as at 30.6.2006	<u>\$24953</u>	<u>\$18965</u>
9. Provision for Long Service Leave		
Balance as at 1.7.2005	25152	17167
Add additional provision for the year	<u>5394</u>	<u>7985</u>
Balance as at 30.6.2006	<u>\$30546</u>	<u>\$25152</u>

Financial Statement

for the year ended 30 June 2006 (Continued)

Police Federation of Australia

NOTES TO AND FORMING PART OF THE ACCOUNTS

For the Year Ended 30 June 2006

	2006	2005
10. National Police Memorial Trust Fund		
The amount is held in trust		
- the fund is contributed by WAPU	-	\$100000
11. Auditor's Remuneration		
Audit fees	7500	7500
Other services	15150	13850
	<u>\$22650</u>	<u>\$21350</u>
12. ACTU Affiliation Fees		
Normal affiliation fee	62437	59630
ACTU media campaign re proposed changes to Industrial relation law by Federal Government	-	90031
	<u>\$62437</u>	<u>\$149661</u>
13. Delegation Expenses		
Consultancy fees	19009	43035
Conference expenses	72296	55230
Executive expenses	41707	59076
Lobbying expenses	-	2167
IPC	22154	13799
WAC	2292	9079
APPSC/PSITAB	6926	6774
	<u>\$164384</u>	<u>\$189160</u>
14. General Office Expenses		
Australian Defence Association	-	91
Filing fees	464	323
Police Superannuation Administrative fees	223	229
Printing, stationery & postage	9388	6355
Sundry office	9195	4654
	<u>\$19270</u>	<u>\$11652</u>



Financial Statement

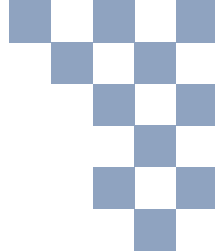
for the year ended 30 June 2006

Police Federation of Australia

NOTES TO AND FORMING PART OF THE ACCOUNTS

For the Year Ended 30 June 2006

	2006	2005
15. National memorial Expenses		
Badges and other	5449	-
Graphic design website expenses	5132	394
Executive expenses	1765	515
Legal fees	3030	5048
Filing fees	-	105
	<hr/>	<hr/>
	\$15376	\$6062
 16. Property Expenses		
Cleaning and waste disposals	2470	2877
Council rates	5610	5075
Insurance – building	1737	1722
Interest – PCU	34007	39260
Land tax	5930	5829
Light and power	2051	1892
Pest control	-	164
Repairs and maintenance	13041	5694
Security	541	540
Water rates	1285	1215
	<hr/>	<hr/>
	\$66672	\$64268



This page has been left blank intentionally



This page has been left blank intentionally



**POLICE FEDERATION
OF AUSTRALIA**

Telephone: +61 2 6239 8900 Facsimile: +61 2 6239 8999
Mobile: 0438 179 151 Email: pfa@pfa.org.au
Mail: Level 1, 21 Murray Crescent, GRIFFITH ACT 2603