



Priorities FOR POLICE



**WA POLICE
UNION**

2021 PRE-ELECTION SUBMISSION



President's Statement



The 2021 State Election must focus on law and order and support our hardworking police men and women.

Already, the McGowan Government and Liberals have committed to much-needed additional police officers amongst other items.

It is vitally important that all sides of politics also commit to other measures to support the police officers and police auxiliary officers of this State.

These items all seek to improve our Members' working conditions by providing a fair and equitable State Wages Policy and a freeze to GROH rents to ensure we attract police officers to regional areas.

The allocation of 24/7 medical coverage in lock-ups, a complete review of the *Police Act 1892* and Police Force Regulations and changes to the *Criminal Procedure Act 2004* will make the job easier and safer for our Members.

The introduction of a mandatory life sentence for offenders found guilty of murdering a police officer or police auxiliary officer will provide the necessary deterrent for those heinous individuals who seek to hurt our police.

While a strategic plan to address the increasing number of aging and antiquated police stations will ensure our Members and the community have modern, fit for purpose stations.

But by far the most important item for the next Parliament to pass is the McGowan Government's proposed Police Compensation Scheme.

This scheme has been a long time coming and we need all political parties to commit to making this scheme a priority during the first 100 days of the new Parliament.

The pandemic has clearly shown how valuable, hardworking and caring our police are. They all have a tremendous sense of community and it is imperative they are supported by Parliament.

Our 10 Priorities for Police need to be implemented by the next State Government and we look forward to working with the next State Government, in particular the Minister for Police, to improve policing in Western Australia.

MICK KELLY
Acting President
WA Police Union

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10 Priorities FOR POLICE

1:

A State Wages Policy which is fair, equitable and allows for meaningful, open negotiations.

2:

A commitment to pass the McGowan Government's proposed **Police Compensation Scheme** in the first 100 days of Parliament.

3:

All Government Regional Officer Housing (GROH) rents frozen for the term of government.

4:

Introduction of a mandatory life sentence for offenders found guilty of murdering a police officer or police auxiliary officer.

5:

Changes to the *Criminal Injuries Compensation Act 2003* so seriously injured police officers are not effectively excluded from being able to apply for criminal compensation.



6:

The allocation of 24/7 medical coverage in all major police lock-ups to ensure the health and safety of police officers, police auxiliary officers and detainees.

7:

A strategic replacement and refurbishing plan to address aging and antiquated police stations.

8:

A complete review of the *Police Act 1892* and Police Force Regulations in consultation with WAPU.

9:

A ***Police Veterans Covenant*** to recognise the commitment and sacrifice of police officers, police auxiliary officers, Aboriginal police liaison officers and police cadets to the community of WA.

10:

Legislative changes to the *Criminal Procedure Act 2004* so police officers can use new technology to take witness statements and serve disclosure saving valuable frontline policing hours.

1:

A State Wages Policy which is fair, equitable and allows for meaningful, open negotiations

The current State Wages Policy is fundamentally flawed as the arbitrary cap it unilaterally delivers, as well as the nullifying effect it has on meaningful negotiations.

The current policy places a cap of \$1,000 per annum on wage and condition increases for all public sector workers, irrespective of the merits of their claims for improvements.

The cap was an austerity measure to suppress wage growth in the sector, but the long term harm to workers is being ignored. After four years of this policy, workers have lost real wages as well as had their retirement plans corrupted by reduced superannuation guarantee contributions.

Further, the current policy is being used as a blunt tool to frustrate negotiations and prevent genuine bargaining taking place.

The rigidly applied policy is a departure from meaningful negotiations, as there is no prospect of the parties reaching a mutually beneficial agreement based on efficiencies or securing the dividends to the workers for those improvements.

Government continues to stonewall negotiations by hiding behind a policy, in the knowledge the workers will have to resort to costly arbitration to pursue their claims. The employer parties to public sector industrial agreements are unable to conduct negotiations on their own behalf, instead they are dictated to be a central agency whose overriding mandate is protection of the policy position rather than industrial harmony to consider agency-specific efficiencies or worker claims.

A new State Wages Policy needs to be true to the spirit and intent of collective bargaining. It should be applied in a manner that permits the parties to explore all opportunity for efficiency changes and in return deliver an acceptable dividend to the workforce. This is a key aspect and foundation of collective bargaining at an enterprise level.

Accordingly, WAPU insists that in a replacement policy there must be scope for the parties to genuinely bargain for changes and wage increases.

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2:

A commitment to pass the McGowan Government's proposed Police Compensation Scheme in the first 100 days of Parliament

At the 2020 WA Police Union Annual Conference, the McGowan Government announced a commitment to implement a long-awaited Police Compensation Scheme.

The proposed Police Compensation Scheme will comprise:

1. An Exit payment is capped at \$235,971 as per the *Workers' Compensation and Injury Management Act 1981*, made up of:
 - A permanent impairment payment. Scaled by impairment as per Schedule 2 of the *Workers' Compensation and Injury Management Act 1981*;
 - A lump sum payment for salary continuance, up to 12 months of the officer's pre-retirement salary; and
 - Opportunity for payment to be increased by 75 per cent to \$412,949 in extenuating circumstances.
2. A Payment of \$16,518 for vocational support and retraining; and
3. Maintenance of current in-service and post-service entitlements for work-related and non-work related illness or injury

The Scheme will be implemented by amending the *Police Act 1892* and Police Force Regulations.

It is the expectation of the WA Police Union and its Members that this long-awaited scheme will be passed as a matter of priority by Parliament during the first 100 days of the term.

★ EXAMPLE ONE

Medically retired officer
a pre-retirement salary
= \$120,000 per year

Permanent impairment
assessment
= \$100,000

Exit Payment
= \$220,000 + \$16,518
for re-training

★ EXAMPLE TWO

Medically retired officer
a pre-retirement salary
= \$120,000 per year

Permanent impairment
assessment
= \$200,000

Exit Payment
= \$235,971 + \$16,518
for re-training



The announcement of the Police Compensation Scheme at the 2020 WA Police Union Annual Conference.

3:

All Government Regional Officer Housing (GROH) rents frozen for the term of government

Attracting police officers to regional areas is growing increasingly difficult and it is vital that GROH rents remain stable.

Police officers had an increase of \$30 per week in 2017 followed by another \$30 in 2018. During that time, police officers in regional areas received a \$2,000 pay increase over two years however, the Government increased their rents by \$3,120 so they effectively took a \$1,120 pay cut!

Any rental increases will put policing services in regional areas at risk. There are some places in the State where it is very difficult to attract police officers and increasing the rent is going to make the situation worse.

We have received feedback from Members in regional areas who are concerned that the rent increases will create vacancies throughout rural WA.

In addition, some of the houses police officers are allocated to rent in regional WA are substandard and we believe it is very unfair for our Members to be forced to pay more rent for a below average house.

Police officers are different to other government employees and it was not feasible for them to rent or buy their own properties due to tenure and transfer policies. Police officers can be transferred against their will, with little or no notice. It is too risky for police officers to source their own rental properties because they can be moved at the drop of a hat, leaving them at risk of paying rent in two towns.

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GROH property in Mount Magnet.



GROH property in Cue.

4:

Introduction of a mandatory life sentence for offenders found guilty of murdering a police officer or police auxiliary officer

It has been acknowledged that our Members perform a difficult and dangerous job.

The McGowan Government's roll-out of stab-proof body armour recognised the risk of physical harm to our Members while serving the community and the WAPU argues this risk is only likely to increase over the foreseeable future.

WA Police statistics indicate the number of possess weapon offences has nearly doubled from 1,327 in 2010-11 to 2,551 in 2019-20. An increasing number of our Members are being injured as a result of being assaulted on the job. Our Members will also continue to be unable to refuse dangerous work under the proposed *Work Health and Safety Bill 2019*.

Our Members deserve every reasonable legal protection when carrying out their duties. This includes protection from offenders who plan to inflict serious harm against them.

Section 19 (B) (1) of the *NSW Crimes Act 1900* provides a mandatory life sentence without parole where a murder victim was known to be a police officer. A similar offence under the *WA Criminal Code 1913* would send a powerful message that the murder of a WA police officer or police auxiliary officer is a heinous crime, one the community believes should receive the maximum penalty under law.

WAPU strongly believes that it is appropriate for WA to follow suit with similar legislation.

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Senior Constable Andy Swift suffered a fractured skull after being attacked on duty with a samurai sword in 2017.

5:

Changes to the *Criminal Injuries Compensation Act 2003* so seriously injured police officers are not effectively excluded from being able to apply for criminal compensation

Due to a decision in the District Court in 2017, police officers are now subject to an unfortunate legal precedent.

The decision of *Cooper v Smith* [2017] WADC 82 has effectively excluded seriously injured police from being able to apply for criminal compensation as they have incurred a greater amount of sick leave and medical costs.

Further, given the total amount of medical and leave payments was well in excess of the statutory maximum compensation award that could be paid to the appellant (\$75,000), the result was that no compensation was therefore payable to the injured police officer under the Act.

This therefore creates the situation where police officers who receive minor injuries can still seek compensation whilst those more seriously injured are excluded.

Changes must be made to ensure all injured police officers can access the criminal injuries compensation they deserve for being injured in the course of their duty.

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Laurie's Story

Sergeant Laurie Morley was seriously injured in an incident in Harvey in 2015.

Sgt Morley was assisting a young man who was set upon by a pack of youths when the pack turned on him.

During the struggle, Sgt Morley sustained major damage to his elbow which required surgery. Following surgery, Sgt Morley had complications and needed further surgeries to his shoulder, back and hip.

Given the severity of his injuries and the medical expenses incurred and covered by the WA Police Force's medical entitlements, Sgt Morley is not entitled to a cent from Criminal Injuries Compensation.

WAPU believes that is grossly unfair and officers, like Sgt Morley, deserve compensation under Criminal Injuries Compensation.

[You can read Sgt Morley's full story via our website.](#)

6:

The allocation of 24/7 medical coverage in all major police lock-ups to ensure the health and safety of police officers, PAOs and detainees

The practice of detaining people in police lock-ups is a major risk and we believe it is imperative that the State Government and WA Police Force supports police by providing adequate staff and facilities.

Arising from the Briscoe inquest in 2013, the Northern Territory Coroner recommended that the NT Government provide nursing staff on a daily basis to the watch houses in Darwin, Alice Springs, Katherine and Tennant Creek.

WAPU argues that suitably qualified trauma nurses or paramedics are required in every major police lock-up in WA, particularly in regional areas.

Currently, police officers are required to transport a detainee to a hospital in order to get a Fit for Custody, placing medical staff at risk and wasting hours of frontline policing resources while the officers wait at the hospital.

If we were to have medical coverage in lock-ups, it would allow detainees to be assessed quickly so that police officers could return to the frontline and as an added bonus all detainees would get medical attention, which in some cases might be the first time in years they have received this care.

We believe there are major benefits by providing this coverage while at the same time reducing the risks faced by police officers and by extension the State Government and WA Police Force.

MAJOR POLICE LOCK-UPS

- 1 Perth Watch House
- 2 Mandurah
- 3 Albany
- 4 Broome
- 5 Bunbury
- 6 Geraldton
- 7 Kalgoorlie
- 8 Karratha
- 9 Kununurra
- 10 South Hedland



7:

A strategic replacement and refurbishing plan to address aging and antiquated police stations

WAPU has significant concerns in relation to the age and suitability of several police stations across the State.

There needs to be a strategic and collaborative approach between the State Government, WA Police Force and the Union to identify and schedule the works.

This will ensure we identify the police stations in greatest need of replacement and/or refurbish based on their condition rather than location.

Our Members must be provided with the safest possible workplace and they and the community need police stations which are fit for modern policing.

Sadly, there are numerous stations which currently are not up to standard and need either replacement or refurbishment.

REPLACEMENT

Great Southern

- Katanning

Metropolitan

- Forrestfield
- Mundaring
- Wembley

Mid-West

Gascoyne

- Cue

Kimberley

- Kununurra

Pilbara

- Onslow
- Marble Bar
- Exmouth

South West

- Bridgetown
- Manjimup

REFURBISHMENT

Great Southern

- Kondinin
- Kojonup
- Mount Barker

Goldfields

Esperance

- Coolgardie
- Kambalda
- Norseman

Kimberley

- Wyndham

Pilbara

- Tom Price

Mid-West

Gascoyne

- Morawa
- Carnamah
- Northampton
- Jurien Bay

Wheatbelt

- Southern Cross
- Toodyay
- Goomalling
- Dowerin
- Lancelin



Onslow Police Station.

8:

A complete review of the *Police Act 1892* and Police Force Regulations in consultation with WAPU

WAPU believes there needs to be a comprehensive review of the *Police Act 1892* and Police Force Regulations to ensure that legislation and policy is reflective of modern policing.

Particular attention needs to be placed on:

- Modernisation of the bankruptcy provision so that a person who is, or has been declared bankrupt and applies to join the WA Police Force, cannot apply until they are discharged from bankruptcy, and have documentation to prove this.

This provision does not take into consideration situations where police officers may inadvertently find themselves in financial hardship due to ownership of a failing family business or bad investments, where they have no option but to be declared bankrupt.

In instances where criminal conduct and corruption are not factors in them being declared bankrupt, the legislation should provide sufficient flexibility so that all prevailing circumstances can be taken into account and where possible, the Commissioner of Police has discretion to retain an officer within the WA Police Force.

- Legislation to protect police officers' rights, that evidence coercively obtained from them in CCC examinations and/or WA Police internal interviews, and information derived from that evidence, not be used against them when on trial for a criminal offence.
- Pass legislation introducing a 'special reasons test' to protect police officer's disciplinary records from being obtained in civil and criminal legal cases.

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9:

A Police Veterans Covenant to recognise the commitment and sacrifice of police officers, police auxiliary officers, Aboriginal police liaison officers and police cadets to the community of WA

The Police Veterans Covenant should be a WA Police Force-led initiative and funded by the State Government and WA Police Force.

Any current or former WA Police Force officer (police officer, police auxiliary officer, Aboriginal police liaison officer and police cadet) is eligible to apply and membership of the Police Veterans Covenant should be free.

The Police Veterans Covenant should comprise of an Oath Certificate, Police Veterans Service Lapel Pin and Police Veterans Card Scheme.

As part of existing Police Recruit and PAO Graduation Ceremonies, the Oath Certificate and Police Veterans Service Lapel Pin should be presented.

Police Veterans Card Scheme is comparable to the existing Australian Defence Veterans Covenant Card Scheme. The Card Scheme would recognise the State's commitment and acknowledgment of police service and could include:

- Free/discounted travel concession on Public Transport Authority and Transperth services;
- Free/discounted Public Trustee (WA) services;
- Free/discounted entry to Dept. of Biodiversity, Conservation and Attractions ('DBCA') WA sites (inc. Parks and Wildlife Service WA Sites); and
- Free/discounted services provided by the State Government.

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10:

Legislative changes to the *Criminal Procedure Act 2004* so police officers can use new technology to take witness statements and serve disclosure saving valuable frontline policing hours

Police officers have benefitted from new technologies in the past few years such as body worn video and mobility with the use of work-issued mobile phones.

WAPU believes to ensure these technologies can be used to their full extent changes must be made to support the technology.

Two changes identified by our Members is the ability to take witness statements via body worn video and to serve disclosure electronically. The WA Police Force has the technology to do this immediately however, it is bound by legislation.

The Union proposes changes to the *Criminal Procedure Act 2004* to ensure we make the most of new technologies and save valuable frontline policing hours.

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