



# Police Federation of Australia

The National Voice of Policing

## ***SUBMISSION to the***

### ***Department of Veterans' Affairs***

via – [legislation.reform@dva.gov.au](mailto:legislation.reform@dva.gov.au)

## **VETERANS' LEGISLATION REFORM**

The Police Federation of Australia (PFA) is the national body representing the professional and industrial interests of Australia's more than 65,000 police officers, across all state, territory, and the federal police jurisdictions.

<b>Membership as at: 31 December 2023</b>	
Police Association of South Australia	4,702
Western Australia Police Union of Workers	6,817
Queensland Police Union of Employees	12,335
The Police Association (Victoria)	17,623
Police Association of NSW	16,372
Police Association of Tasmania	1,478
Northern Territory Police Association	1,656
Australian Federal Police Association	4,037
<b>Police Federation of Australia</b>	<b>65,020</b>

I thank you for the opportunity to make this submission.

In our 2023 submission to the Veterans' Legislation Reform Consultation Pathway, we pointed out a number of issues, from a police perspective, that we believe have now been addressed in the latest proposal, via the recognition of a number of "peacekeeping" missions, however our key concerns about the workers compensation and rehabilitation coverage of Australia police deployed offshore in many other circumstances, remains.

Over 20 years ago, in January 2004, the PFA made a submission to the Senate Foreign Affairs, Defence & Trade Committee’s Inquiry into the *Military Rehabilitation & Compensation Bill 2003* where we raised concerns about the impact on Australian Police Officers serving in overseas peacekeeping deployments, had been covered by the *Veterans’ Entitlements’ Act 1986*, as ‘peacekeepers’, entitling them to the same disability benefits as defence force personnel. That situation changed with the commencement of the *Military Rehabilitation Compensation Act 2004*, an Act from which police, as peacekeepers, have been excluded. No compensating legislation has subsequently ever been provided to fill this vacuum.

It was proposed that this gap would be filled by providing “compensation and rehabilitation benefits commensurate to those provided to Defence Force personnel”. However, this was done through the *Safety Rehabilitation Compensation Act 1988* and a *Commissioners’ Determination*. The *SRCA* was never designed to meet such operational circumstances as it is primarily a Workers’ Compensation and Rehabilitation regime for domestic purposes and a *Commissioners’ Determination* can be amended with the stoke of a pen and has no legislative underpinning.

For many years, the Australian Federal Police Association (AFPA) and the PFA, have argued that any Act to cover police should be a stand-alone piece of legislation, managed and controlled by the responsible Home Affairs/Justice Minister yet administered by the Department of Veterans’ Affairs. Deployed defence and police forces carry out similar but not identical functions in an overseas environment which carries with it a significantly increased element of danger.

In February 2006, the then Minister for Justice and Customs, Senator Chris Ellison announced that AFP officers serving overseas would soon benefit from the support of a police-specific compensation and rehabilitation scheme relating to dangerous foreign missions. He said the proposed scheme was in recognition of “the increased role of police at the front line in a time of heightened risk and will ensure AFP compensation entitlements remain consistent with those currently provided to Australian Defence Force members in similar mission circumstances”.

In October 2006 the Minister advised that the legislation would shortly be available.

In 2007, the then Minister for Employment and Workplace Relations, the Hon Joe Hockey wrote to his colleague, Senator Marise Payne, outlining the process for the drafting of the legislative amendments suggested by Senator Ellison.

In 2008, the Senate Standing Committee on Foreign Affairs, Defence and Trade undertook an Inquiry into Australia’s Involvement in Peacekeeping Operations. Chapter 22 of the Report from that Inquiry was devoted to compensation and rehabilitation issues for peacekeepers. It acknowledged that whilst compensation and rehabilitation was not specifically mentioned in the terms of reference, in light of the concerns raised in submissions and during oral evidence, the committee determined to draw attention to the issues.

Recommendation 28 of the final report stated –

*The committee recommends that the Australian Government release a policy paper outlining the options and its views on a rehabilitation and compensation scheme for the AFP, invite public comment and thereafter release a draft bill for inquiry and report by a parliamentary committee.*

In June 2009, then AFP Assistant Commissioner Paul Jetkovic APM, National Manager Human Resources, wrote to Mr Luke Brown, then Director of the Military Compensation Review, suggesting that drafting of the necessary legislative amendments to the SRCA had proved to be extremely complex and the exercise had been suspended in 2007. Jetkovic went on to say that the AFP had come to the conclusion that it preferred the option to develop a stand-alone compensation scheme for AFP high risk overseas missions.

Jetkovic also highlighted that the then Deputy Prime Minister (the Hon Julia Gillard MP), consistent with the Government’s pre-election commitment, had separately asked the AFP and the Department of Employment and Workplace Relations to bring forward a submission for a stand-alone compensation and rehabilitation scheme for police appointees in high-risk missions overseas.

And in November 2009, the then Minister for Home Affairs, the Hon Brendan O’Connor MP wrote to the United Nations Police Association of Australia (UNPAA) confirming his support for a “separate legislative mechanism for AFP overseas missions”.

Despite what appears strong, long term bipartisan support for a stand-alone piece of legislation covering Australia’s police, to date, nothing has subsequently been introduced into the Australian Parliament.

As earlier indicated, while the current proposed Veterans’ Legislation Reform appears to address our concerns about police working on designated “peacekeeping” operations, the fact still remains, that

not all off-shore deployments of Australian Police, particularly into the future, will be deemed as peacekeeping, and are therefore police officers would only be covered by the Safety Rehabilitation Compensation Act and a Commissioner's Determination, with such Determination having no legislative underpinning.

As pointed out in our 2023 submission, the Defence Strategic Review highlighted the potential for climate change to increase demand for peacekeeping and "peace enforcement". Such operations into the future, however, might not be classed as peacekeeping for the purposes of police involved and therefore see our members having less workers compensation and rehabilitation coverage than our defence force colleagues.

We therefore continue to support the submission by the Australian Federal Police Association (AFPA) that in order to address this concern, we urge the Federal Government to -

- reconsider stand-alone police-specific legislation that mirrors the proposed military legislation;
- implement an 'Blue Card' that mirrors the current DVA 'White Card' for police; and
- officially recognise police who have served in active conflict zones as 'veterans', similar to the recognition afforded to ADF personnel within the *Australian Defence Force Veteran's Covenant*.

This is a serious issue that has seen commitments from both major political parties over the past 20 years, however, it still remains outstanding and needs be rectified as a matter of urgency.

I would be happy to provide any further information, either in writing or verbally, to the reform process.

Sincerely yours,



Scott Weber APM

Chief Executive Officer

30 April 2024