



BLUESTAR



**Mandatory
Vaccination FAQs**

**National Police
Remembrance Day 2021**

**Tribute to Peter
'Sooty' De Britt**



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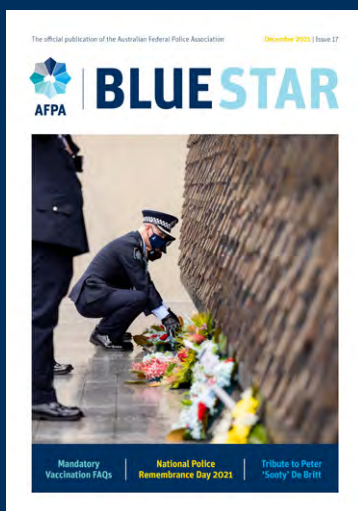
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Magazine cover:

Detective Inspector John Hawkins lays a wreath on behalf of the Association, at the National Police Remembrance Day service

Image credit: AFP

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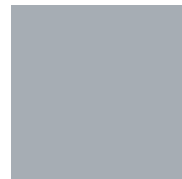
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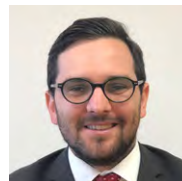


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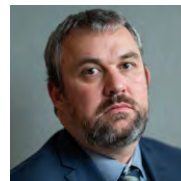


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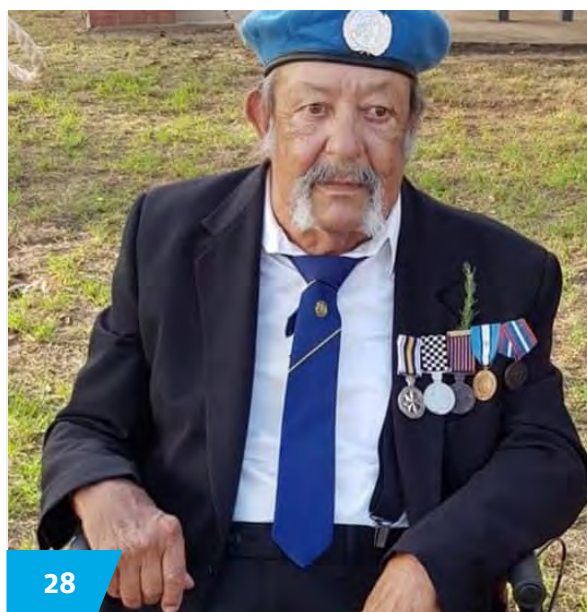
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National Police Remembrance Day 2021

Pausing to honour those who have made the ultimate sacrifice



PRESIDENT'S REPORT

Alex Caruana, President

President
Alex Caruana

Regular Items

▶ Christmas is nigh and it is set to be a busy festive season, likely more so than usual, with jurisdictions around the country now starting to reopen after long COVID restrictions.

This last quarter of 2021 has been at times frustrating for me, with the ACT's lockdown requiring the entire National Office to work from home; although technology allows us to attend to daily tasks and maintain processes, being unable to get out and about to AFP locations has been difficult both for me, the Legal and Industrial Team and Member Support Officer Gerry O'Connor. In the New Year, our main focus will be a resumption of normal business travel arrangements – being able to go wherever I'm needed and meeting people face-to-face (in line with COVID-safe practices).

Despite this different working environment, it has still been an extremely busy period.

EXMOUTH MEMBERS

All members would now be aware of the disgraceful manner in which the contracted security arrangements at the Harold Holt Naval Communication Station (HHNCS) in Exmouth were "wound up" by the Department of Defence. Protective Service Officers have understandably been surprised and shocked by this decision. The resultant effect on members' mental health and financial stability necessitated urgent and critical welfare support, facilitated by both the AFPA and our colleagues from the Western Australian Police Union (WAPU). We are extremely grateful to WAPU for their much appreciated assistance in this matter.

The AFP's Protective Service Officers are industry-leading. They are subject to robust training, conduct and integrity regimes that ensure the highest standards for those who want to become or remain PSOs.

Because of this, the public has confidence and expectations that crucial assets will be protected by the best possibly trained and equipped personnel. For the members at HHNCS to be treated in

this way is simply unacceptable. There has been no suggestion of any issue with the manner and standard to which AFP PSOs worked at Exmouth; rather, the inference has been that this was purely a "risk assessed" cost-cutting exercise.

Defence Minister Dutton's conduct here is unacceptable, given his prior ministerial portfolio being Home Affairs.

We are engaging with him, as well as Shadow Defence Minister Brendan O'Connor and members of the Parliamentary Joint Committee on Intelligence and Security, to prevent a similar situation from recurring elsewhere in Australia.

Media reports indicate that our approaches to federal parliamentarians could save our PSOs in Exmouth; however, we will provide further updates to our membership once this has been confirmed by the AFP and the Department of Defence.

COVID-19 UPDATE

The AFP Executive has mandated that all members receive two-dose COVID-19 vaccination, in line with other police jurisdictions in Australia. I would like to restate the AFPA's position on this – our legal advice indicates that this direction is lawful, and we believe that the vaccine is safe and the best defence that members can employ to protect themselves. If you need help getting an exemption, please don't hesitate to contact us.

Thus, I encourage all members to get vaccinated. Please contact the AFPA if you need to organise an exemption. To support you further, we have created a landing page containing FAQs around the vaccine and the AFP's direction at www.afpa.org.au/mandatory-vaccination-faqs/. We are of course more than happy to answer more detailed questions via email (afpa@afpa.org.au) or phone – 02 6285 1677.

I have also lobbied strongly to have AFP staff numbers increased as a result of the pandemic, and to have the AFP and especially

ACTP resourced appropriately. We are well below average, and my discussions with the AFP Executive are focused on bringing our operational strength into parity with other jurisdictions.

ACT POLICING

We are pleased to see the ACT Police Minister's unveiling of a plan for the overhaul of Gungahlin station. This should help to relieve operational and staff stresses caused though working here. The government cannot expect us to do more or the same with less. For far too long, Gungahlin station has been severely lacking in terms of size, functionality, and general state of repair. One wonders how "COVID-safe" this particular work environment could be?

HUME TRAFFIC OPERATIONS CENTRE (TOC)

We eagerly await the opening of the TOC at Hume and see this as going a long way towards alleviating the stresses of community policing in Canberra. It will also facilitate dynamic operational capability for the far northern and southern ends of the ACT (Hume is located on the far eastern fringe of the territory and is just off the main arterial road network connecting Gungahlin to Conder). A well-integrated TOC, equidistant from the ACT's satellite town centres yet still convenient to the CBD, arterial and suburban roads can only benefit ACTP members. We will share more details on this as they come to hand.

SUBMISSIONS TO PARLIAMENT

This year has seen the Association provide a number of submissions to Parliament:

- Fair Work Amendment (with respect to fair enterprise bargaining and the problems caused by the bargaining policy)
- ACT Bail Act reform (around the presumption of bail for violent offences against first responders)
- Commonwealth Integrity Commission model (the AFPA's response to Christian Porter's concept)
- Decriminalisation of drugs in the ACT (our response to the ACT Greens/Labor proposed model)

Updates on these submissions will be shared as they become available. Please consider subscribing to our media releases (via the link on our home page) so that you are kept up to date.

AUSPOL

The Association's charity, AUSPOL, has had a busy year, with many members in need being assisted.

This year we have helped several members who were deliberately attacked at work, which is especially frustrating for us. This is exactly the reason why AUSPOL is needed.

Outside of deliberate attacks on members, unfortunately cancer remains one of the most common reasons members need AUSPOL's help. AUSPOL survives on regular contributions and one-off donations, and we urge all members to consider contributing a nominal amount from your salary. Please contact Gerry.Oconnor@afpa.org.au or Courtney.Posantzis@afpa.org.au for more information on how to set up AUSPOL donations in Insight!

DELEGATE ELECTIONS

I would like to thank everyone who made the decision to run for a position in the recent Zone Convenor Elections. Representation of your fellow members is an important part of any democratic function, and it is pleasing for me personally to work for such selfless people who volunteer for unpaid positions on top of their work and family commitments.

Results of the elections will be announced in accordance with the AEC's timelines (we did note previous delays with these elections due to the pandemic, so we will update you as soon as possible). With the reshuffle of new appointments, as well as staff movements, there are likely to still be a few vacancies at both the Delegate and Convenor level. We welcome anyone interested in applying for a position to do so – available positions will be advised via email in the coming months.

NPRD RECAP

This year's National Police Remembrance Day service was on a much smaller scale due to COVID-19 and the restrictions it placed on public gatherings.

The Wall-to-Wall Ride and the usual dawn and evening services attended by many were replaced by a simple ceremony attended by the Governor-General, Commissioner Kershaw, police chaplains, members of the Ceremonial and Recognition cohort, and layers of wreaths.

Detective Inspector John Hawkins laid a wreath on behalf of the Association, and the AFP has graciously shared photos of the service with us. These photos are on pages 16-19.





FEDERAL ELECTION

At the time of writing this report, whispers were beginning to circulate regarding the timing of the next federal election, with the date likely being in the first quarter of 2022.

Operation Recognition is still the main campaign focus for the Association, and in the lead up to a potentially imminent election, our Media and Government Relations Team is working with me to prepare communications plans and material to ensure that we are best placed to engage with all upcoming candidates.

We have prepared a campaign booklet to give to MPs and candidates, outlining the commitments we would need from them for us to endorse them, as well as further information and talking points around each of the main areas of concern for the AFPA.

We will be sharing further updates on the next federal election and **Operation Recognition** via EDM, our website and the next issue of Blue Star. For more information, please reach out to Media and Government Relations Manager Troy Roberts via troy.roberts@afpa.org.au.

IN THIS ISSUE...

In this issue, as well as our regular Member Services and Legal reports, we have several articles that are worth mentioning:

- **Sooty De Britt**
Senior Sergeant “Sooty” De Britt was a career member of COMPOL and the AFP, serving both locally and internationally for many years in numerous cohorts. Sooty passed away recently, and his nephew Gerry O’Connor has kindly prepared a tribute to Sooty’s life and service on page 28.
- **Mandatory Vaccination FAQs**
I mentioned earlier in this report that we have created a FAQ landing page for mandatory vaccinations. We’ve reposted these FAQs on page 22 for your convenience if you haven’t yet had a chance to visit the landing page.
- **Men’s Health Downunder**
Most of you would remember Member Support Officer Gerry O’Connor’s article on his prostate cancer diagnosis and treatment. **Men’s Health Downunder** is a health initiative addressing awareness of men’s health issues (notably prostate and testicular cancer) through a series of podcasts and other avenues. Brad Butt is the founder of **Men’s Health Downunder**, and has prepared an article on prostate cancer awareness and detection, starting on page 24.
- **Opinion article by Mick Gentleman**
ACT Police and Emergency Services Minister Mick Gentleman MLA has prepared an article on presumptive legislation on page 30.
- **Opinion piece by Jeremy Hanson MLA**
ACT Shadow Minister for Police Jeremy Hanson MLA has provided an article for AFPA members on page 32.

CHRISTMAS MESSAGE

To all members – I am, as always, in awe of your professionalism, conduct and integrity. I hope everyone can take a break at some stage over the Christmas/New Year period.

**For those working through,
thank you for your selflessness and
for ensuring a consistency of service
for every Australian citizen.**

A big shout out to community policing members – please keep your own safety in mind when working near roads and members of the public who are inebriated/affected by drugs during this end of year period.

Our community has changed (and is still changing) during these last difficult few years. Things we viewed as reliable certainties have disappeared or changed swiftly and without warning. Those of you with families will especially be fearful of what the future holds for your kids.

I know that you will continue to hold your heads up high, content in the knowledge that you are the finest members of Australia’s law enforcement community. We at the AFPA will always have your back.

With warmest wishes and in the utmost solidarity,

Alex Caruana
President

Contribute to



BLUESTAR

Please feel free to forward any ideas for stories or articles to
brian.mciver@afpa.org.au





Acting Manager,
Legal & Industrial
Giles Snedker

LEGAL AND INDUSTRIAL

Giles Snedker, Acting Manager, Legal & Industrial

Concurrent criminal and administrative investigations – time for a rethink

► For those who have been through a Professional Standards (“**PRS**”) investigation, you would be aware of the significant stress such investigation can cause. This is because such investigations place on members a number of stringent requirements that must be adhered to during the investigation. For instance, PRS investigations are subject to confidentiality and, if a member is caught disclosing to others details about the investigation without prior authorisation, that member may be subject to additional allegations of misconduct.

The Australian Federal Police Act 1979 (Cth) (“**the AFP Act**”) also affords PRS investigators with significant powers to conduct investigations. The most significant of these powers is contained within section 40VE(1) of the AFP Act, which affords to a PRS investigator the power to issue a direction to an AFP appointee to:

- give the investigator information (in the manner and form specified in the direction);
- produce to the investigator a document, record or thing;
- answer a question; and/or
- do anything else that is reasonably necessary for the purposes of obtaining evidence in relation to the investigation or inquiry.

Failing to comply with a direction issued under section 40VE(1) is an offence under section 40VH(1) of the AFP Act, which attracts a maximum penalty of 6 months imprisonment. It is also an offence under section 40VH(1) to give information or make a statement that is false or misleading.

A direction under section 40VE(1) is almost absolute, and there is rarely a reasonable excuse for not complying with the direction. In section 40VE(3), an AFP appointee is obliged to comply with a validly issued direction under section 40VE(1), and they are not excused on the ground that complying with the direction is contrary to the public interest or might make that the appointee liable to a penalty, or that responding to the direction may incriminate them.

The compellability of evidence in relation to misconduct investigations is a feature across police jurisdictions. Likewise, the Courts have recognised that the right against self-incrimination is not absolute in the context of policing, particularly in the context of a disciplinary matter.

Generally, the use of the compulsion powers is relatively straightforward, and the powers are rarely in issue with most investigations. However, the situation does become much more complicated when a PRS investigation is being conducted concurrently with a criminal investigation the AFP appointee is subject to. Most appointees have concerns about whether such information can be used in any criminal proceedings.

This issue is somewhat addressed in section 40VE(4) of the AFP Act. That provision deems that information provided by an appointee under a direction is inadmissible for any civil or criminal proceedings (with limited exceptions). What this means is that anything disclosed by an appointee under direction cannot be used against that member for any criminal proceedings that the appointee may be subject to. PRS investigators, during an interview with an AFP appointee, can issue a criminal caution meaning all information given to the investigators after the issuing of the caution can be used in any civil or criminal proceedings. However, if such caution is issued, a member does not need to produce any further information and can exercise their right to remain silent.

While that provision does afford significant protection to an appointee, many practical issues arise in the face of that protection, namely:

- The appointee retains a right to silence in relation to the criminal proceedings. It is often the case that an appointee will choose to exercise this right. As the matters being raised and asked of them in the PRS investigation mirror those in the criminal proceedings, an appointee is likely to be reluctant to address them.

“In my opinion, there is some merit in the submission that there should be reconsideration of the manner in which the *McMahon v Gould* line of authority is now applied so as to decide **whether too little weight is given to the practical as well as legal prejudice to the accused and to the primacy of criminal proceedings in our justice system.**”

Gyles J

- The offences can be investigated by the AFP, and the perception of appointees is that disclosure to PRS will be revealed to those within the AFP investigating the member.
- For those receiving advice from those unfamiliar with the PRS process, appointees may be being incorrectly advised that no protections exist, and disclosure will impact both matters, or alternatively that the appointee has a right to remain silent in relation to the PRS investigation.

It has been the AFPA's strong position for some time that PRS should not conduct a PRS investigation if there are criminal proceedings on foot that relate to the same issue(s), specifically when an appointee intends to or has pleaded not guilty.

The rationale for this, in our view, is sound. Firstly, an appointee should be provided with an opportunity to properly defend themselves in relation to the criminal proceedings. Either real or imagined, there is a perception that disclosure under direction will be used against the appointee in criminal proceedings. While we recognise the professionalism of those who work in PRS and the difficult job they have, this perception is one that is hard to break.

Again, this perception is pronounced when the AFP is the police force responsible for investigating the criminal allegations, either because the offences are Commonwealth-level or the criminal conduct has occurred within the ACT. Previously, PRS investigators were also informants on the criminal matter, which further fuelled this perception.

Secondly, the AFP retains the power to mitigate any risk to the organisation while an appointee is subject to criminal proceedings. A power to suspend an appointee under the *Australian Federal Police Regulations 2018* (Cth) is provided to the Commissioner if they believe on reasonable grounds that the appointee has engaged in misconduct, or the appointee has been charged with an offence, and the Commissioner believes on reasonable grounds that the employee should not continue to perform their duties until the charge has been resolved. This suspension can be with or without pay, depending on the particular circumstances. The Commissioner, if he is concerned by the criminal allegations against the appointee, can suspend them until the criminal matter is resolved if there is a potential issue in continuing to allow the appointee to perform duties with the AFP. Likewise, the Commissioner has incredibly broad powers under section 4OH of the AFP Act to reassign the duties of an appointee, which could be done to mitigate any issue arising from the criminal allegations against the appointee.

Thirdly, a finding of guilt would likely expedite the investigation process noting that such a finding would need to have been made on the criminal standard of proof, being beyond a reasonable

doubt. This is a higher standard of proof than required in an administrative investigation, which is on the balance of probabilities. The AFP Code of Conduct requires that AFP appointees comply with all Australian laws and, if the criminal proceedings end with an appointee being found guilty, it is almost certain the AFP could establish that the appointee has also breached the Code of Conduct. Whilst the appointee would still be entitled to procedural fairness and an opportunity to be heard, particularly in relation to any mitigating factors, the actual investigation would be more quickly undertaken in our view.

Finally, waiting to conduct a PRS investigation until an outcome of the criminal matter is likely to avoid potential embarrassment between findings of the PRS that the appointee engaged in conduct that amounts to criminal actions, but that appointee has been found not guilty in related criminal proceedings. Likewise, this avoids a situation whereby an appointee who is dismissed for conduct related to an ongoing criminal matter lodges an unfair dismissal claim and is potentially fighting two matters at one time. The AFP has maintained that they are entitled to undertake concurrent criminal and administrative investigations. The Courts have largely supported this position, although question marks have been raised around this in recent years. Nor is the position absolute.

Consideration of this issue by the Courts has not generally been while both investigations are ongoing but rather following a decision by an employer to terminate the employee, with the employee subsequently lodging proceeding against the termination and seeking a stay of those proceedings until such time as the criminal matter is determined. The Courts have called into question the application of the authoritative decision on staying a civil proceeding as there are ongoing criminal proceedings.

That issue is significantly different to whether an employer should, all things considered, conduct a misconduct investigation concurrent to ongoing criminal proceedings.

In a decision before the Federal Court regarding an AFP appointee, Gyles J said:

“In my opinion, there is some merit in the submission that there should be reconsideration of the manner in which the *McMahon v Gould* line of authority is now applied so as to decide **whether too little weight is given to the practical as well as legal prejudice to the accused and to the primacy of criminal proceedings in our justice system.**”²

It is time that this reconsideration occurs, and concurrent investigations are avoided to ensure members can and are allowed to appropriately defend themselves. ◀

McMahon v Gould (1982) 7 ACLR 202.

Baker v Commissioner of the Australian Federal Police [2000] FCA 1339 at [34].

MEMBER SERVICES

Gerry O'Connor, Member Support Officer

Member Support Officer
Gerry O'Connor

▶ Well, what a year this has been.

As this edition of Blue Star is published, hopefully we are all out of lockdown and back to physically attending our workplaces. It is timely with the Christmas period fast approaching that we can now visit friends and family again, some of whom we probably haven't seen for long periods of time (as well as any new additions to families). Whatever your situation has been over the last few months, we hope that you have survived as well as possible. In the Membership Services Area(MSA), we have directly seen the negative impact COVID restrictions have placed on our members, and we strive every day to assist those most in need.

Since my last report, there have been some changes to our office structure, and I am happy to introduce our new Member Services Administrator Courtney Posantzis. Courtney comes from a broad retail and member services background, with her most recent role being at the Australian College of Midwives. The College of Midwives has a major focus on member support as the peak professional body for its industry, and the Association appreciates the significant skillset and experience that Courtney brings to her new role.

With this additional layer of support and administration, we are confident that the MSA will enhance and build on member benefits and member support functions for our members.

Keeping your details up to date means that we can better support the membership – help us help you! If you have changed address, workplace, roles, or beneficiaries, don't forget to let us know. We also remind our members about general "life admin"- don't forget to follow us on our social media pages as we provide helpful reminders in this area.

We'd also like to highlight some fantastic offers and partnerships that can help you save some big money, especially coming into the festive season when every dollar counts. Some of these are savings through:

- Costco
- RM Williams
- Samsung
- Woolworths supermarket eGift cards
- Big W eGift cards
- Cellarmasters & Dan Murphy's eGift cards

Please go into the Member Advantage area of the website and check out all the available deals, which allows you to save money on your everyday expenses, including dining, accommodation, gym membership, movie tickets and much more. The Member Advantage Portal can be accessed at:

<https://afpa.memberadvantage.com.au/>

The MSA continues to assist our members as requests come through. If you can, please consider setting up a simple AUSPOL donation through your Insight! deductions. You would be helping your fellow members/colleagues (who wouldn't ordinarily reach out).

I would like to highlight some of the things that the MSA has been doing over the last couple of months - made possible thanks to the generosity of donors:

- Member awaiting Comcare claim had exhausted all leave and was suffering financial hardship. They were provided with a financial coaching session and financial assistance to pay some outstanding bills
- Member going through severe hardship was assisted in settling some outstanding debts
- Member's daughter undergoing intensive chemotherapy treatment in Sydney was provided with a \$100 e-gift card on her 7th birthday to spend at a Smiggle shop whilst in Sydney
- Several retirement/badge board requests were processed
- Member's house was severely damaged by fire, and family needed to move into temporary accommodation. Supplied meal for member and family

We were also able to attend the AFP College and meet some of the new recruits. This is one of my favourite parts of this job; meeting new people and explaining how the AFPA can assist them during their career.

I would like to wish everyone a Merry Christmas. Please stay safe.

Gerry O'Connor

Membership Support Officer ◀

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media-releases-signup/](http://www.afpa.org.au/media-releases-signup/)



Tips to make refinancing ea

Refinancing may sound complicated, but it's actually more straightforward than many homeowners think it is.

There are many benefits to refinancing your mortgage, from saving on interest to changing your loan term.

With the right preparation and support, you can move to a lower cost loan quickly and without stress. Here are a few tips to get you started.

DO YOUR RESEARCH

Before you apply for a refinanced home loan, it's important to make sure you're selecting the right one for your circumstances. We have multiple loans with different features and benefits. It's important to know what exactly you're looking for in a new loan and to find a product that matches those goals.

GET ORGANISED

When you refinance, you'll likely be asked to provide income and investment documents, if you have them, to show us your financial history. We use this information to help get your refinanced loan sorted quickly, so having it prepared is useful at application time.

KNOW THE COST

Moving to a new loan sometimes carries costs. For example, your current lender may charge you a discharge fee for leaving your mortgage early. It's important to weigh these costs against the

benefits of switching, such as the potential to save over the longer term with a lower interest rate.

KEEP ON TOP OF YOUR CREDIT SCORE

Lenders look at your credit score to determine whether you have a good history of paying back money you've borrowed. Checking out your credit score before you apply to refinance can sometimes help. If you have blemishes on your credit score that are actually mistakes, it's important to get them fixed before you apply for a loan product as it can affect the deal you're offered. To find out more about your credit score and what may be considered, head to creditsmart.org.au

SPEAK TO AN EXPERT

If you're not quite sure about an aspect of refinancing or how it may work in your circumstances, you can speak to a broker or someone in our team. We're here to help make the process easy.

When we first take out a home loan, few of us know what we're going to get. Refinancing can allow you to find a lender with lower interest rates, better features or better customer service. Refinancing can give the borrower the chance to use a lender that aligns more closely to their personal or community values such as police bank.



With the right preparation and support, you can move to a lower cost loan quickly and without stress.

If you're ready to explore the world of refinance, visit www.policebank.com.au/refinance!

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Police Bank is a community-based bank started by Police for Police and we are here for you and the broader policing family. If you have any questions or are interested in how we can help you, please don't hesitate to speak to one of our team members in the Contact Centre on 131 728 Monday to Friday from 8am to 6pm, or visit www.policebank.com.au.



We will remember



them

Police Ode

*As the sun surely sets:
dawn will see it arise,
for service, above self,
demands its own prize.
You have fought the good fight:
life's race has been run,
and peace, your reward,
for eternity begun.
And we that are left,
shall never forget,
rest in peace friend and colleague,
for the sun has now set.
We will remember.
We will remember.
Hasten the dawn.*



Full page photo:
Commissioner Kershaw lays a wreath at the National Police Memorial



Top image: Commissioner Kershaw and Governor-General Hurley arrive at the service.
Second from bottom: ACT Policing CPO, DC Neil Gaughan, addresses the service.
Bottom image: The wreaths are laid by the members of the different jurisdictions who were in attendance





29 September – a somber moment for members across Australia.

This year, due to the ongoing pandemic and Delta variant outbreak, National Police Remembrance Day was commemorated on a much smaller scale. A handful of police members facilitated a quiet ceremony at the National Police Memorial in Parkes, officiated by Commissioner Kershaw and Governor-General David Hurley.

As occurs each year, the AFP chaplain blessed the ceremony and delivered a touching and bittersweet address about the kind of character that a career in the AFP requires.

Commissioner Kershaw then led the service, as members from all over Australia, the Pacific, and the rest of the world were acknowledged and honored by the reading of names and the laying of wreaths.

On the AFPA's behalf, Detective Inspector John Hawkins of ACT Policing laid a wreath during the service.

Prior to the ceremony, AFPA President Alex Caruana and Member Support Officer Gerry O'Connor braved a typically overcast Canberra morning to walk from the AFPA office to the National Police Memorial and pay their private respects.

To those fallen members and their families, friends and loved ones, we offer our most humble gratitude and sincere respect ◀

The AFP Covid-19 vaccination mandate – know your rights and obligations

Hanaan Indari
(Managing
Partner) and Ira
Goyal (Lawyer).



The AFP has recently mandated Covid-19 vaccinations for all federal police employees.

The mandate has been implemented via a Commissioner's Order and National Guideline in accordance with sections 38 and 40 of the *Australian Federal Police Act 1979* ('AFP Act').

THE VALIDITY OF THE MANDATE

In the current climate, it is highly likely that the AFP's mandate will be considered lawful.

Recent cases, where challenges brought against public health orders mandating vaccination have failed, strongly suggest that the Commissioner's order would be regarded as one that the Commissioner is entitled to issue, and one that AFP employees are obliged to comply with (subject to very rare exceptions).

On 15 October 2021 in *Kassam v Hazzard; Henry v Hazzard*, the Supreme Court of New South Wales dismissed a challenge brought by ten workers against public health orders that required them to be vaccinated against Covid-19 in order to attend work.

The workers came from various sectors including, health, aged care, education and construction.

Justice Beech-Jones of the Supreme Court stated that the public health orders were "exclusively directed to public safety" and held that they were not unreasonable nor infringing upon the rights to bodily integrity or freedom of movement.

On 10 November 2021 in *Larter v Hazzard*, the Supreme Court dismissed another challenge against similar public health orders brought by a paramedic who refused to get vaccinated against Covid-19 on religious and moral grounds.

Justice Adamson of the Supreme Court held that the public health orders were a reasonable and appropriate way of dealing with the increased risk of Covid-19 transmission posed by unvaccinated health workers.

CAN I REFUSE TO GET THE VACCINE?

No, except in very rare circumstances.

Considering that the AFP's mandate was implemented via a Commissioner's Order, refusing to comply with the mandate would give rise to a real possibility of disciplinary action against you.

Unlike private sector employees who are only obliged to comply with an order from their employer that is both "lawful" and "reasonable", AFP employees are statutorily obliged by Section 40 of the AFP Act to comply with a "lawful" order of the Commissioner. Section 40 of the AFP Act states that employees "must not disobey or fail to carry out a lawful direction, instruction or order issued by the Commissioner or supervisors" and does not mention a requirement for such directions, instructions or orders to be "reasonable".

In any event, given the current state of legal thinking in Australia, the Commissioner's order would very likely be regarded by a Court or the Fair Work Commission as both "lawful" and "reasonable".

Ultimately, the AFP's mandate will likely be lawful in the case of most employees, and unless you have a valid exemption you will be obligated to comply with the mandate and any directions made under it.

HOW CAN I GET AN EXEMPTION?

The AFP will provide exemptions to employees under two categories: 1) medical, and 2) special circumstances.

Whether you are granted an exemption will depend on your individual circumstances and will be decided on a case-by-case basis.

If you have a genuine medical, religious or other reason for not getting vaccinated you should contact the AFPA for assistance with seeking an exemption.

CAN I BE DISMISSED FOR REFUSING TO GET THE VACCINE?

In light of recent developments, refusal to comply with a workplace vaccination mandate without a valid exemption, could constitute a "valid reason" for termination of employment.

Earlier this year, in *Jennifer Kimber v Sapphire Coast Community Aged Care*, the Full Bench of the Fair Work Commission upheld the dismissal of an aged care worker who was terminated from work after refusing to get an influenza vaccine, without having a valid exemption.

The Fair Work Commission confirmed that directions to be immunised against influenza were lawful and reasonable, and not discriminatory.

The Majority of the Full Bench went on to state that "[they] do not intend, in the circumstances of the current pandemic, to give any encouragement to a spurious objection to a lawful workplace vaccination requirement."

The Fair Work Commission's position can therefore be reasonably expected to extend to COVID-19 vaccination mandates such as the one implemented by the AFP.

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Nevertheless, as an employee you are entitled to an adequate level of procedural fairness in any administrative or disciplinary action taken against you, as well as the provision of a safe working environment by your employer.

WHAT IF I HAVE AN ADVERSE REACTION TO THE VACCINE?

If you experience any adverse side effects after getting your Covid-19 vaccine as now mandated by the AFP, you might be entitled to make a workers compensation claim.

In the unlikely event that you do suffer an adverse reaction, you should urgently seek medical advice. You should also report the incident to your employer and submit a Workplace Incident Report. If you have been injured at work, as a result of being vaccinated or otherwise, or have any questions regarding your workers compensation rights we suggest that you contact our offices to speak with our highly experienced compensation experts for further advice.

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Mandatory Vaccination FAQs

▶ In the unlikely event I suffer an adverse reaction to the vaccine, what support will be available?

If you experience any adverse side effects following the vaccination, we encourage all members to submit a Workplace Incident Report and to make a workers compensation claim. In addition, should you require immediate medical assistance and have out of pocket expenses, you may be able to access the AFP's Early Intervention Program.

We have previously agitated with the AFP that any time of work following a vaccination should be covered under COVID-19 leave. We will continue to agitate for this.

If you do suffer an adverse reaction, please contact our Legal & Industrial team to discuss your options.

▶ What if I have a religious, medical or other reason for not being vaccinated?

If you experience any adverse side effects following the vaccination, we encourage all members to submit a Workplace Incident Report and to make a workers compensation claim. In addition, should you require immediate medical assistance and have out of pocket expenses, you may be able to access the AFP's Early Intervention Program.

We have previously agitated with the AFP that any time of work following a vaccination should be covered under COVID-19 leave. We will continue to agitate for this.

If you do suffer an adverse reaction, please contact our Legal & Industrial team to discuss your options.

▶ I am hesitant about getting the vaccine. Who should I talk to?

Your general practitioner is best placed to provide the best medical information about the safety and efficacy of COVID-19 vaccinations.

▶ Will the AFPA seek to challenge the mandate?

As indicated above, it is likely that the mandate will be regarded as lawful and reasonable for the majority of the AFP workforce. The AFPA has obtained independent legal advice on this issue which has confirmed this position. Therefore, the AFPA does not intend on challenging the mandate as whole.

There may be some grounds on which the AFPA may seek to challenge the mandate, but that would be on a case-by-case basis if the AFP refused to provide an exemption to a member who had genuine grounds for seeking being exempted. However, we stress

that this would be completely dependent on that individual's circumstances, rather than the Commissioner not having the power to issue such a mandate to the workforce at large.

If you believe that you have been discriminated against or disadvantaged in the workplace, please consider notifying us of your concerns, and we'll assess the situation and offer you advice.

▶ Can the AFP direct me to be vaccinated?

It is likely that the COVID-19 mandate will be regarded as lawful and reasonable for the majority of the AFP workforce, however there may be some minor exceptions to this based upon an individual's particular circumstances (discussed further below in relation to exemptions).

As the mandate is likely to be lawful and reasonable for the majority of AFP appointees, there is an obligation to comply with such directions.

▶ Is it discriminatory for my employer or a service provider to require me to get vaccinated?

In Australia, there are various legal frameworks in place to ensure employees are not unfairly disadvantaged on account of traits such as race and ethnicity, gender, religious affiliation, age, sexual orientation, socioeconomic status, or degree of able-bodiedness.

Vaccination status is not a protected attribute.

▶ Are vaccinations mandatory?

Mandatory vaccinations programs already exist in most parts of Australia for a range of vaccines. They apply to workers whom public health authorities have identified as at risk of contracting and/or spreading COVID-19.

Vaccination laws differ from state to state. These mandates are generally, but not always, implemented through the use of Public Health Orders. However, even without specific laws, there are some circumstances where an employee can be compelled to receive a vaccination as a condition of employment.

The AFP has introduced the direction of mandatory vaccinations via a Commissioner's Order and National Guideline in accordance with s.38 or direction under s.40.

▶ Are vaccinations a good idea?

Getting vaccinated is one of the best ways to protect yourself, your family and the community from getting seriously ill from COVID-19. Medical evidence indicates that vaccines are effective at reducing the likelihood that you will catch and spread COVID-19 to others.

► **Where do I find more information on the AFP's vaccination mandate?**

The AFP has published a number of explanatory documents on the AFP Hub regarding the vaccine mandate.

► **What assistance will the AFPA provide me?**

As raised above, the AFPA will assist members with seeking exemptions, as well as providing advice regarding the AFP's vaccination mandate.

If a member does not receive an exemption and does not receive a vaccination, the Legal & Industrial team will provide the usual support that we would for any other member subject of administrative or disciplinary action.

► **My appointment to receive a vaccine is during work hours. Can I record this as ordinary time?**

Yes. Any time you spend obtaining a vaccination should be recorded as 'Ordinary Time'. Further details can be found on the AFP's COVID-19 website.

► **What is happening with other police jurisdictions around the country?**

Nearly all State and Territory police forces have now moved to mandate COVID-19 vaccinations.

In addition, vaccination mandates have been in place for several different industries for some time, most notably those working within health care and aged caring. There is also a growing trend of a range of different industries and occupations moving towards mandating COVID-19 vaccinations. This change in community expectations is likely to give further weight to such mandates being lawful and reasonable, particularly for those within law enforcement.

► **If I refuse to get the vaccine and do not get an exemption, what action might the AFP take?**

Noting that the mandate is proposed to be contained within a Commissioner's Order, and failure to adhere to the Commissioner's Order will be followed up by a direction to the appointee from Deputy Commissioner Operations under section 40 of the AFP Act, breaching a Commissioner's Order and/or a direction may potentially lead to disciplinary action being taken. As noted above, in most cases, a direction to receive a vaccination is likely to be lawful and reasonable for most AFP appointees, meaning that such directions need be complied with.

In some other police jurisdictions which have mandated COVID-19 vaccinations, Commissioners of Police have directed unvaccinated members to not attend work until such time as they have received a vaccination. In these circumstances, employees have been required to utilise their own leave entitlements while directed not to attend the office.

► **Will the AFPA support me if I challenge the legality of a mandated vaccination ?**

Each instance will be reviewed on a case-by-case basis. Several matters have gone to court in other jurisdictions challenging mandatory vaccinations, and to the best of our knowledge, all challenges have been in favour of the employer.

If you believe that you have been discriminated against or disadvantaged in the workplace, please consider notifying us of your concerns, and we'll assess the situation and offer you advice.

► **What advice has the AFPA sought on this matter?**

The AFPA has been proactive in this space. We saw the writing on the wall after other jurisdictions moved towards mandatory vaccinations.

In preparing for this day, the AFPA has sought independent legal advice and engaged the Police Federation of Australia to assist us in collecting information from other police associations and unions.

► **Can the AFP redeploy me if I don't get vaccinated?**

Yes, and in saying that, the Commissioner has the power to redeploy you at any time. This isn't a new power. But, ultimately, the AFP has a duty of care to ensure, where it can, that you are safe at work and in the workplace. ◀



Lifting the kilt on prostate cancer

Prostate cancer rates number 1 in terms of numbers of men diagnosed in Australia, and despite having been told for years that you die with it, not from it, the evidence begs to differ. It is estimated that 18,110 new cases of prostate cancer will be diagnosed in Australia in 2021 and that over 3000 men will die as a direct result.



Profile: Brad Butt, Founder of Men's Health Downunder

Brad Butt is the managing partner of Cooleman Court pharmacy in the ACT and the founder of Men's Health Downunder, a pharmacist-led men's health clinic. He is a pharmacist passionate about the health and wellbeing of his local community and the broader Australian male population

Men's Health Downunder was established in 2013 in his pharmacy at Cooleman Court in Canberra, to address the growing need for men in Canberra to have access to professional expertise about their specific health issues, without any embarrassment or privacy concerns. Men's Health Downunder has grown to be the largest men's health pharmacy clinic in Australia and many of our patients are referred to us from GPs, urologists, and sexual health clinics.

Our secure website is an extension of the pharmacy clinic service, and enables you to access specific mens health information relevant to you, wherever you live – <https://menshealthdownunder.com.au/>

▶ To put this in perspective, 1 in 6 men will be diagnosed with prostate cancer by the age of 85 (perhaps more revealing is that 63% of cases are diagnosed in men over 65 years of age - meaning that, scarily, 37% of cases are in men under 65). On a more positive note, it is nice to recognise that largely, when diagnosed early (which is happening more and more), prostate cancer is not a death sentence; surgical techniques are better than ever; imaging and diagnostics are better and more accessible than ever, and the work our radiation and medical oncologists are doing with new medications and techniques is certainly prolonging life. For the record, the five-year survival rate for prostate cancer is 95% which is, all things considered, very promising.

In terms of prostate cancer, it can be described in a number of ways. Early (localised) prostate cancer refers to cancer cells that have grown but do not appear to have spread beyond the prostate; this is the preferred diagnosis. There are two stages of advanced prostate cancer: locally advanced prostate cancer where the cancer has spread outside the prostate to nearby parts of the body or glands close to the prostate, and metastatic prostate cancer where the cancer has spread to distant parts of the body.

The best course of management will depend largely on this description and would be discussed with your urologist in the first instance and if needed, a medical or radiation oncologist.

In order to understand prostate cancer, it is worth first refreshing readers' knowledge of the prostate.

The prostate is a walnut-sized gland located between the bladder and the penis, and it sits just in front of the rectum. The urethra, which links the bladder to the penis and outside world, runs through the center of the prostate (this is why when there is something happening with the prostate, it can affect one's ability to urinate 'normally'/comfortably). In terms of its function, the prostate is involved in the secretion of fluid that nourishes and protects sperm; during ejaculation, the prostate squeezes this fluid into the urethra, and it is expelled with sperm as semen.

Screening is largely a tried and tested process today, with a prostate specific antigen (PSA) blood test being the likely starting point. PSA is a test for

protein produced by normal, as well as cancerous, cells of the prostate gland which alone is not enough to make a diagnosis on. Where the GP feels the PSA pathology is not as expected, they will then refer to a urologist who will do further investigation to guide future management and shed light on what is happening. The other pathology the GP might look at is the free PSA or free-to-total test prostate health index (PHI) as it might help them better understand what is happening.

As for a prostate cancer diagnosis, this would generally be made by the urologist after they have performed a number of tests. This is not a prescriptive list, but rather a number of options that they might look at to garner the required information to make a diagnosis. This could include:

- A digital rectal exam - where the urologist feels the prostate for lumps and bumps. This would generally be done before any biopsy was done and might provide some insight as to what was happening for the doctor
- An MRI (magnetic resonance imaging) which is a scan that uses a powerful magnet and radio waves to build up detailed pictures of the inside of the body. The urologist may suggest an MRI to help determine if a biopsy is needed. It can also provide insight as to whether the cancer has spread from the prostate to nearby areas. Finally, it can help guide a biopsy needle
- A biopsy may be done after the initial MRI scan. During a biopsy, small samples are taken from the prostate using a special needle. The samples are then sent to a laboratory where the pathologist checks them for cancerous cells. There are two main types of prostate biopsy: a trans perineal (TPUS) biopsy (needle is inserted through the skin between the anus and the scrotum) or a transrectal (TRUS) biopsy (needle is inserted through the rectum). The TRUS biopsy is more common today.

Further tests might include having a **bone scan** (to determine whether the prostate cancer has spread to the bones); a **CT scan** (which may show whether cancer has spread to lymph nodes); and a **PET scan** (again this can help detect cancer that has spread or come back). When specifically discussing prostate cancer

the PET scan usually uses gallium to show prostate-specific membrane antigen (PSMA) - thus this scan is often referred to as a **PSMA PET scan** and provides the best suggestion as to the nature and progress of the cancer.

When the result of the above is suggestive of prostate cancer there are a number of options; some of these options will be governed by both the grading (as per the biopsy), the above listed scans and the nature of the cancer (seemingly localised or metastatic).

Treatment methods may include:

Stage	Management of treatment options
Localised or early	<ul style="list-style-type: none"> ▪ active surveillance ▪ surgery or radiation therapy or both ▪ watchful waiting
Locally advanced	<ul style="list-style-type: none"> ▪ surgery or radiation therapy or both ▪ androgen deprivation therapy (ADT) may also be suggested.
Advanced or metastatic (at diagnosis)	<ul style="list-style-type: none"> ▪ usually androgen deprivation therapy (ADT) ▪ sometimes chemotherapy or radiation therapy ▪ watchful waiting may be an option ▪ newer treatments as part of a clinical trial

As you can tell, there are many ways forward with a diagnosis of prostate cancer and it can be confusing to know what is the best way forward. This is where we are lucky here in Australia to have a wonderful team of experts; urologists, medical oncologists, radiation oncologists as well as GPs, prostate nurses and a range of wonderful patient support organisations that can provide information to help patients make an informed decision. The organisations including the Prostate Cancer Foundation of Australia (PCFA), Movember and their True North project, Men's Health Downunder and of course the wide range of other groups that support men, mental health and cancer generally (Cancer Council, Beyond Blue, Healthy Male, Men's Shed, Australia Men's Health Forum and more!) are readily available and again a great source of support and information for patients and their partners. ◀



ACT pharmacist
Brad Butt (right)

“My family’s history in the police community dates to the early 1900s. My great grandfather, ‘Willie’ Hubert King, trained cadets for the mounted police force. My grandfather, Ken, and father, Chris, followed in his footsteps. While I didn’t join the force, they imparted one important lesson: never leave Police Health. You’ll regret it if you do.”

Russell King, son of a third-generation police officer.



Russell and his family have received more than \$150k in benefits from their Police Health policy

CONTENT WARNING: Russell’s account of his wife’s breast cancer journey may be upsetting for some readers.

“At 34 years old, just three months after we had our second daughter, my wife was diagnosed with Stage 4 breast cancer.

“She found a lump that didn’t clear up, so went in for a check-up. That same afternoon, she had an ultrasound and biopsy, with a diagnosis the following day. By that Friday, she had a CT and bone scans, an MRI, a biopsy, and a double mastectomy.

“She got everything she needed done within a matter of a few days. Being Stage 4, every minute mattered, and I doubt she’d still be here today if we had to wait around for two months.

“Police Health covered everything. There were no out-of-pocket costs for my wife’s treatment. There are no words to express how much we appreciate it.”



Willie King Mounted Police (right front)

“Because we were young, we had an air of confidence that we wouldn’t need Police Health. The thought had even crossed my mind that we might be able to find coverage that’s half the price, because we were fit and healthy.

“Essentially, I became the sole carer for our three-month-old overnight. I was also taking care of our older daughter and being there for my wife as she faced a Stage 4 prognosis. We both weren’t working, and I had no extra willpower to handle the financial side. I don’t know how people without top-level health insurance handle that.

“Nearly six years on, my wife continues to get chemo-based infusions every three weeks, as her body’s response to the drugs and chemo plateaued. A recent tumour grew on a nerve and affected her vocal cords. Because she’s a lecturer, she can now only work one or two days a week.

“Thanks to Police Health, we’re not having to manage a second crisis – a financial one.

“This gives us the peace of mind to focus on my wife, as well as the kids. She’s able to build a trusting relationship with the oncologist of her choice, who she sees regularly, and I can take the kids to the dentist and visit the physio, without compromising or putting up with pain.

“There’s a big difference between 40 and 25 years old. If you’re unsure about the value of being with Police Health or, like me, haven’t served in the force, take it from me – you’ll be glad you stayed.



“That’s my grandfather, Ken King (far left), doing a caper. I doubt Work Health & Safety would let you do this today!”

“I wasn’t thinking about major health issues when I was 25. I was saving for a house and travelling the world. But this was the smartest decision I made for my family’s health and finances.

“Everything has been so easy with Police Health. There are no hour-long wait times to speak with a representative. Everyone is responsive and truly cares. It feels like a small family practice, not a big corporate fund.

“While I didn’t choose to become an officer, I have been looked after as if I had. My family went through the photo albums recently and found this.”

“Interestingly, in the early days, police officers would all donate a day’s sick leave each year. It would go into a pool that you could access if you got seriously sick. Our family found a condolence letter from the commissioner granting my grandfather access to sick leave pay during his cancer battle.

“I resonate with what my grandmother went through.

“To anyone who’s going through this, just get through one day at a time.

There’s no point worrying if the worst-case happens. Please don’t suffer twice. Get up, live your life, and do everything you can to stay grounded in the day. You’ll realise, that the things that used to occupy your mind, don’t matter. Happiness lives in the small things.

“It’s a sentiment for life that we can all benefit from.”

To join more than 65,000 other members of Australia’s police community already enjoying peace-of-mind from Police Health’s gold-tier insurance, **call 1800 603 603** or visit **policehealth.com.au**.

Please note: some information in this article has been compiled from material obtained externally. Although we make every effort to ensure information is correct at the time of publication, we accept no responsibility for its accuracy. Health-related articles are intended for general information only and should not be interpreted as medical advice. Please consult your doctor. The views expressed in articles are not necessarily those of Police Health.



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Tribute to Peter ‘Sooty’ De Britt

by Gerry O’Connor

Peter de Britt, better known as ‘Sooty’ to his family, friends, and colleagues, was my uncle and hero. Sooty was born in Young, NSW on the 3rd of April 1946, one of twelve children growing up on a farm near the village of Bribbaree. My mother Mary was his eldest sister and second oldest sibling.

Caption



▶ In his early adult days, Sooty worked in a number of jobs around the region and on the Water Board in Cootamundra (which is my hometown). He applied to the Commonwealth Police and was initially knocked back because his chest measurement wasn’t big enough. After some months of workouts on the farm, Sooty was accepted into the Commonwealth Police Force and recruited as number 421 on the 23rd of June, 1969.

say to me, “Just go down to the bar and help yourself to a beer in the fridge, I’ll look after it. And introduce yourself to the blokes.” As soon as I said I was Sooty’s nephew I was treated like royalty, such was his influence. Many a story was told in this carpark (no doubt due to the very cheap cans of beer).

Sooty was awarded with:

- National Police Service Medal – 1985
- United Nations Medal for Service in Cypress – 1987
- Police overseas Service Medal – 1992
- Clasp to the National Medal – 1995

The Commonwealth Police became the Australian Federal Police in 1979, and Sooty was transferred over as one of the foundation members. During his policing service, Sooty worked in a range of areas within ACT Policing, including Policing & Traffic (as a motorcycle cop) and in the City and Belconnen watchhouses. He also worked in Jervis Bay for a number of years before returning to Canberra, where he eventually retired. Sooty was promoted to Sergeant in 1982 and Senior Sergeant in 1985. He also served with the 26th & 27th Australian Police contingents to Cyprus as part of the United Nations peacekeeping force as unrest between the Greek & Turkish Cypriots escalated.

Sooty was an immensely proud police officer, and he actually influenced me into joining the NSW Police Force back in January 1988.

As a young constable stationed at Yass, I would often venture over the border to see Sooty after a shift in the City Police Station underground carpark bar (which he used to manage). He would



Caption



Sooty retired from the Australian Federal Police in July 2000, having served for 31 years. Funnily enough, I retired from the NSW Police Force in 2018 after 31 years. Sooty’s funeral was held on the 22nd of September 2021; unfortunately, due to COVID restrictions, only ten people could attend in person, but the service was livestreamed to his many family and friends. An old mate sent a letter to Sooty’s son Joel, which was read out on the day:

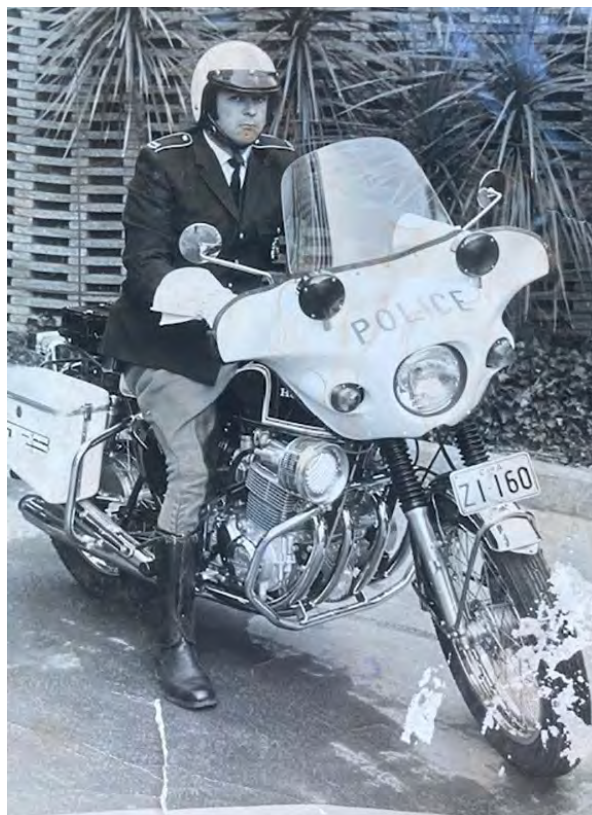
“To Sooty’s family,

I was saddened to receive the news of the death of my old friend and colleague. Sooty was one of the many members of the ACT Police Force who contributed so much to the work of our organisation and to the safety of the people in our jurisdiction. I particularly remember his work in Jervis Bay, which like the rest of his work in Canberra was outstanding. Then from a more personal standpoint, he was just a really good bloke. RIP Sooty”

John Johnson
Commissioner of Police (retired)

For those of you who worked with Sooty in ACT Policing or elsewhere, you will have a memory of this wonderful man who was full of humour and the life of the party. I miss my hero but also have these fond memories to tap into at any time.

Sooty is survived by his daughter Chontelle and son Joel, partner Kathy, brother Jimmy, and sisters Joan and Sharon. ◀



**In the words of Irving Berlin –
“THE SONG HAS ENDED BUT THE MELODY LINGERS”**



Thank you to all our ACT Policing officers and staff

By Mick Gentleman MLA, ACT Police and Emergency Services Minister

On behalf of the ACT Government and the Canberra community, I would like to thank all our ACT Policing officers and staff for your tireless work over the past two years to keep our community safe.

► From responding to bushfires and storms, to protecting Canberrans throughout the pandemic, our officers have gone above and beyond to support the community, often in difficult circumstances.

The ACT Government remains committed to supporting you to do this important work and to protecting you on the job throughout these challenging times.

The welfare of our first responders remains at the forefront of my work as the Minister for Police and Emergency Services.

That is why last year I worked hard to create a new offence for assaults against police and other frontline responders.

It is important that we have laws that support those on the frontline to carry out

their jobs effectively. In performing their duties, police officers put themselves in harm's way to keep our community safe.

Violence against our frontline responders is not tolerated by the ACT Government, and we are always open to reforms that will help better protect officers on the job or strengthen supports for those who have been injured at work.

I am conscious that ACT Policing members are routinely exposed to traumatic events in the course of their duties.

They are engaging with members of our community who may be experiencing the worst or most vulnerable moments of their lives. Research has indicated that cumulative exposure to traumatic incidents has the potential to increase the risk factors for psychological injury. The operational requirement to work a rotating roster of day and night shifts also has an impact on the mental wellbeing of members, which is something I experienced during my time as a Protective Service Officer.

The sooner we can start the recovery process, the sooner we can have people back at work and limit the impact on family and friends.

We shouldn't be making police and first responders jump through hoops and paperwork to prove that their post-traumatic stress disorder (PTSD) arose helping Canberrans. We should presume it does.

Unfortunately, the workers' compensation law that would need to change to achieve this for police and first responders sits with the Commonwealth Government. However, because the ACT Government now underwrites its own claims, I am working to make changes for first responders employed by the ACT Government to presume PTSD relates to their work.

This will mean that if an ACT Government first responder claims workers' compensation for PTSD, our insurer will presume that the illness was caused by their work.

This will make claiming easier and faster for first responders and is an important first step in getting the help that is needed to start the recovery process.

I have always treated ACT Policing as one of our own and wish I could make our changes apply to the AFP members. What we need is a Commonwealth Government willing to make the legislative change.

I have written to the Federal Minister requesting that changes be made so that Comcare deals with PTSD claims better.

I am also working with my Federal Labor Colleagues in the hope a new Federal Labor Government next year makes this change.

I will continue to progress these reforms to help better protect our police officers on the job and to further strengthen supports for those who have been injured at work.

Thanks to Alex and the team for their strong advocacy to keep members safe and ensure you have the resources to keep the rest of us safe.

I hope all members **have a safe and happy festive season** and are able to take some time off to recharge and unwind. I look forward to catching up with many of you in the New Year. ◀

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Thank you for 2021. Let's hope for a better 2022.

By Jeremy Hanson, CSC, MLA, Shadow Minister for Police

As we come into the holiday season, I would like to send my sincere thanks to everyone serving our community through the Australian Federal Police and their families. 2021 was a difficult year, to say the least.

▶ I am aware of some of the challenges you have faced, and we have done our best to support everyone in the force in your vital role. Unfortunately, the government has not joined us in these calls for extra support.

Just recently, I went into bat to get more funding for extra officers. Canberra has some of the fastest growing jurisdictions in the country, yet we have

the lowest per capita provision of police in the entire nation.

While I accept that police would have an important role in times such as a health pandemic, I was deeply concerned when we learned that officers working on significant criminal matters had to be redeployed to address COVID requirements.

As I say, I support police involvement at these times, but police simply do not have the numbers to be everywhere or do everything; our government is asking too much and providing too little.

I do not think this is good enough and will continue to fight to get extra people into our service.

Similarly, I am aware that the Gungahlin and Winchester stations are not up to scratch, with Gungahlin in particular not being the standard you need and deserve. It was described bluntly to the Minister as 'not fit for purpose.' Winchester also already seems to be falling behind, and in my own home ground of the Molonglo Valley, there is no police facility at all, despite the rapid growth in population and the clear need for a police presence in the area.

Important as these are, budgets and resources are only part of the problem.

I am aware, as a member of the Legislative Assembly, that it is the decisions by lawmakers that can provide the best protection and back up for officers in the field.

I argued strongly that ACT police need the same bikie laws that are used in every other state and Territory in the country, but the government refuses to budge.

Most recently, I moved legislation to protect frontline workers from attacks by repeat offenders, especially those out on bail for similar attacks.

I noted the terrible cases that officers have been subjected to recently, including the situation where, in recent months, four officers have been attacked in the course of their duties. Three of these officers were attacked and seriously injured by an alleged offender on bail for assaulting first responders on a previous occasion.

I agree with the Association when they said they believe violent offenders and their legal representatives should have to prove why they deserve bail.

That is not to say anyone wants to see due process removed – far from it. My Bill merely removed the presumption that bail would be granted as a matter of course. Neither I, nor any police officer I have ever met, wants to see unfair or unjust laws. But I do believe that bail for serious and violent offences such as assaulting a first responder should be a privilege, not a right and near certainty.

I shared the frustration and disappointment the Association expressed when this law, too, was knocked back by the government.

The last area I would like to touch on is one I have witnessed myself.

As an ex-military officer deployed in a warzone, I have seen the effects that stress in extreme circumstances can have on anyone asked to serve in those conditions.

I know that the extra stresses of COVID, on top of everything else, may have made this a particularly challenging year.

I urge any member who is feeling overwhelmed to reach out; to friends, family and professionals available through the Association. This is important, and there is help.

I say again, **thank you for your work and your service throughout 2020**, have a break if possible, stay safe and well, and I will be back again fighting for the cause in 2022. ◀



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