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Protecting the Protectors

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Australian Institute of Criminology

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In Memory of
JOHN OLDROYD

whose untimely death, on 9 April 1979, deprived the
police union movement of an outstanding leader

Preface

This book is designed to encourage the protection of police workers in the belief that their long-term development will significantly contribute to both an improved police service and police occupation. The dimensions of employee protection addressed in the following chapter include unions, agencies and occupation. Thus, in the following pages: (1) selected aspects of police unions and their operations are described and explained, and (2) selected aspects of police employee protection within departmental and occupational contexts are also described and explained.

The message and its supporting data are aimed at: (1) police union and agency managements – with a view to informing and stimulating them by means of suggestions, criticisms and speculation, (2) police workers generally – with a view to increasing their awareness of the concepts and issues involved, (3) students of police administration, public administration, and perhaps industrial relations – with a view to informing them concerning matters of relevance, and (4) interested lay persons – with a view to providing sufficient information to permit informed discussion on issues that are from time to time matters of public debate.

Criminal justice in Australia is constitutionally a state concern. And rightly so! However, the resulting structures being on a jurisdiction by jurisdiction basis, make broad statements difficult. Where possible this difficulty has been offset by firstly adopting a state by state approach in data presentation. Then, in associated discussion, broad principles and functions are emphasised. In so doing, it is recognised some quality is unfortunately lost. There are sufficient differences among jurisdictions to make most general statements at best a loose fit in respect of some states. For instance, when referring to the modest level of administrative competence achieved by police agencies generally, such a statement fails to

indicate the extent to which the Police Department of South Australia is qualitatively ahead of other departments. But, short of writing six separate books there is no entirely satisfactory alternative. Structural differences between states however, have less effect on the discussion of occupational issues, several of which are presented, for example, occupational development and the future.

All books contain bias, this one being no exception. The very selection of a topic involves bias. That being the case, it is incumbent upon authors to make some prefatory statement to readers so as to enable them to interpret the various data, ideas and arguments placed before them. Basically, I believe the police service, despite its very considerable deficiencies, to be one of the success stories of modern government. I also believe however, that the police service has reached a plateau past which it cannot progress without restructuring reform. Indeed there is some evidence of decay apparent at the present time. More than anything else, progress is dependent on occupational development. Subject to that overriding prerequisite, organisational performance is considered to be of prime importance in raising the service's standard. Only then, in terms of priority, does the protection of police workers merit direct mention. It has not been sufficiently recognised by either practitioners or researchers of police phenomena, partly due to the quantitative gap that exists between long and short-term considerations, that both police occupational development and organisational performance are largely dependent upon adequately protecting, and thereby developing employees.

Many of the arguments advanced in this book are entirely dependent on the level of police occupational development achieved at any given time and place, within the broader context of political structures. For instance, while they mostly hold true to greater or lesser extent for New Zealand or Canada (both being countries having similar levels of political and administrative development to Australia) they certainly do not for Papua New Guinea or Malaysia. In those countries, different levels of occupational development and different political needs preclude comparison. In other words, the arguments and ideas presented here are not necessarily applicable, either in whole or in part, right across the board.

This book represents a necessarily selective view of police worker protection in Australia. The story is only partly told here, much remaining to be said from a variety of other perspectives. Hopefully, then, this is not the last word on the subject but rather the first.

Bruce Swanton

Woden,
October 1981

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Chapter 1

Police Employee Protection

Protecting The Protectors is primarily concerned with present and future rather than past perspectives. Readers' appreciation of material presented in the various chapters is nevertheless improved by an awareness of relevant past events. This brief historical introduction is therefore presented as background material.

The history of police employee protection is largely, although by no means exclusively, the history of police unions. It is for this reason police unions occupy the principal focus of this book. There are, however, other important aspects of employee protection warranting consideration. Although it cannot be said police employers took their responsibilities for protecting employees very seriously until employees organised to protect themselves, the employers' role is nevertheless extremely important due to official monopoly of both authority and revenue. The relationship between police unionism and police personnel administration is close and neither can be satisfactorily considered in the absence of the other. Bearing heavily on both unions and employers (although not generally well comprehended) is the question of occupational development. The status of the police occupation strongly affects not only the social environment of all police employees and their families, but it fundamentally affects the nature of police work. It is thus difficult to discuss union and employer responsibilities for employee protection without including the diffuse but highly significant implications of occupational development. These three interlinked concepts provide the basis of the information and views presented in the following pages.

Humans are essentially social beings^{1,2} existing almost exclusively as overlapping permutations of groups. Numerous broad determinants such as physical environment, culture and technology, influence the formation of human groups. Certain

motivations appear to predominate in group formation, for example, affiliation, defence, control, mutual benefit and leisure. Certainly, the promotion of mutual benefit figures prominently as a grouping motivator.³ For the last one and one half centuries, groups representing workers' needs and wants have been known as trade unions. The union label has changed over time though. Originally, it denoted groups of craftsmen possessing monopolistic, mutual benefit, orientations. Over the last century, unions have altered to include not only unskilled workers but even complete industries. As a result, unions are no longer inward looking organisations but collections of workers oriented essentially to redressing the imbalance of bargaining power affecting individual workers *vis a vis* their employers.⁴ At first, such orientations were quite alien to the then prevailing *laissez-faire* doctrine which held that industrial combinations violated individual rights. The struggle by unions over the years for the right to protect employees through combination has been considerable.

Early knowledge of trade unions in Australia came mainly from English immigrants in the 1850s.⁵ Australian social and industrial conditions at that time were in some respect suited to the growth of syndicalism⁶ but only limited success attended early attempts by labour to organise. This early failure was attributable not only to employer resistance but, also to the finding of gold.⁷ The massive social and commercial/industrial dislocation which followed upon that discovery delayed most forms of development. It was not until the creation of the Bendigo Miners' Union, in February 1872, that the union movement as we recognise it today can be said to have started.⁸

Once actually under way, the growth of individual unions continued apace. During times of high prosperity and labour shortage, conflict between employers and employees was limited. But, when the economy turned sour, as it started to about 1885, industrial conflict occurred with distressing frequency. The decade of the 1890s was generally one of economic depression in Australia, being especially severe during the first half. A marked decline in urban development resulted in the withdrawal of speculative capital. To make matters worse, a number of substantial transport contracts were completed and colonial governments became pre-occupied with reducing budget deficits rather than creating jobs. In combination, these and other factors conspired to create severe

unemployment.⁹ Employers then took advantage of the favourable labour market to win back gains achieved by workers during preceding boom years. Unions resisted strongly and industrial conflict became epidemic as a consequence.

It should be mentioned, in addition, that broader political and economic forces were also at play as industrial dissent was widespread throughout the British Empire at the commencement of the decade.¹⁰ The many instances of industrial chaos resulting from these troubles have been well chronicled elsewhere.^{11,12,13} Needless to say, police were deeply involved not only in maintaining public order but, also, were in many instances employed by governments in support of official and employer interests. The maritime strike of 1890 ushered in a decade of industrial strife with police in Sydney and Melbourne being utilised in protecting waterfront property and non-union workers. The *Riot Act* was read to a mob at Circular Quay in Sydney, although little actual violence occurred.¹⁴ Police were rushed to Broken Hill in 1890 and 1892 to protect the silver mine against the possibility of worker attack. In fact, so depleted were Sydney metropolitan police ranks in 1892, due to the large body of police on strike duty at the Barrier City, crime statistics were claimed to have reduced as a result.¹⁵

In Queensland, police were employed in countering striking shearers in 1891 and 1894.¹⁶ Although police have always been seen as somewhat unloved symbols of authority in the various states of Australia, the antipathy that has existed between organised labour and police can be said essentially to stem from the industrial conflict of the 1890s. As maintaining public order frequently consisted of activities such as protecting employers' property and strike breakers, and locking up union activists, police became understandably viewed by militant unionists as class traitors. On the other hand, sworn to uphold public tranquility and the rights of the Crown (which usually seemed to be closely associated with the interests of employers) and steeped in an ethos of control and commitment, police disapproved of the violations of public order committed by angry workers and their sympathisers. The disloyal sentiments expressed by international socialists and other extremists in the workers' ranks further served to harden police employee attitudes. Although tension between the two groups has reduced somewhat in recent decades with the involvement of some police

unions in Labor Council and the Australian Council of Trade Unions (ACTU) activities, mutual antagonism is still far from extinct.

The at times violent relations that existed between industrial workers and employers during the last decade of the nineteenth century was destructive across a number of dimensions as well as being a cause for concern to colonial governments charged with the management of fragile economies. The economic damage and social trauma arising from that industrial strife prompted politicians and others to consider legislative approaches to the resolution of industrial disputes. Thus, Victoria,¹⁷ New South Wales¹⁸ and South Australia,¹⁹ all enacted legislation incorporating conciliation machinery – albeit of a voluntary kind. This legalistic approach was in sharp contrast to the unintrusive collective bargaining attitudes which prevailed in America and Britain. As these early statutes were unsuccessful in bringing about industrial harmony, there developed a move in some quarters to make arbitration compulsory when resolution could not voluntarily be achieved. The New Zealand Government enacted such a statute as early as 1894 which, it was claimed, enjoyed a degree of success. Western Australia and New South Wales followed suit in 1900²⁰ and 1901²¹ respectively. Provisions for federal conciliation and arbitration were made, in the face of considerable opposition, by the framers of the Australian constitution.

With the event of Federation in 1901, federal politicians, bureaucrats and others, were not slow to explore the potential of industrial arbitration as a means to Commonwealth expansion. In 1904, the Federal *Industrial Conciliation and Arbitration Act*²² was passed. The second President of the Federal Arbitration Court, Henry Higgins (1907-1921), had been largely responsible for the inclusion of arbitration powers in the Commonwealth Constitution earlier in his career. Higgins so successfully promoted the ‘new province of law and order’, as he termed it, that the states themselves were influenced by federal initiatives in the industrial field. Only in recent times has the effectiveness of the federal industrial arbitration superstructure, and indeed the entire question of compulsory arbitration, been seriously called into question.^{23, 24, 25, 26} Australia’s consistently poor record with respect to days work lost by reason of strikes provides ample reason for such questioning.²⁷ One bonus for unions arising from the array of legal superstructures

imposed on industrial relations over the years has been that the plethora of legislation provided to underpin the entire legal/industrial empire has ensured the development of strong unions.²⁸ Lawyers and jurists have also profited from the various arbitration systems operating throughout the States and Commonwealth. Not only are jobs such as presidents, deputy presidents and commissioners provided, but a good living has provided the various attorneys appearing before such bodies, despite attempts in some jurisdictions to limit their employment. Probably, the major dysfunction arising from the industrial arbitration system as it exists today is that it has greatly emphasised arbitration at the expense of collective bargaining. The very skills necessary to the achievement of optimal industrial harmony are, ironically, actively discouraged by the system.

Early industrial strife occurred almost exclusively in the 'industrial' sector, for example, shearers, miners and labourers. Life, generally speaking, was harder for industrial workers and their militancy during the 1890s was understandable. Militancy led to increased labour organisation, numerous industrial unions originating in the years 1888 to 1900. It was this employee militancy and organisation which stimulated the early growth of industrial arbitration bodies. Not unnaturally, they were oriented to the needs of industrial employees. White collar employees of the clerical type tended to be more conservative, enjoying greater status, and sometimes security. The ethos of 'public service' among salaried government employees also was strong. But, as the economic situation improved with the advent of the new century, industrial workers by virtue of their union strength and access to arbitration mechanisms started to improve their lot. For reasons of both deteriorating relativities and low pay in absolute terms, white collar workers began hesitantly to organise in the early part of the twentieth century. Commitment and conservatism could not withstand the erosion of economic advantage. There were, of course, some exceptions. Telegraphists with the New South Wales general post office organised as early as 1888. Teachers, too, organised early. Commercial clerks in Melbourne took advantage of the *Councils of Conciliation Act 1891* to organise in the early 1890s, although a permanent body was not established until 1907 or thereabouts.²⁹

Within the various public services in particular, clerical unions tended at first to be small, socially oriented, and industrially confined to occasional deputations. In addition to the susceptibility of public servants (and police officers) to pressure from superordinates to remain industrially submissive, they did not always enjoy access to industrial tribunals which, as has been already noted were created with the needs of manual, that is, industrial, employees in mind. It was, for example, not until the substantial 1911 amendments to the *Conciliation and Arbitration Act 1904* that federal public servants became eligible for registration with the Arbitration Court (as it was then termed).³⁰ White collar employees continued to organise industrially throughout the first two decades of the twentieth century and on into the 1930s. The early post World War I period saw a jump in clerical employee organisation, especially in banking and insurance – both being conservative fields of commerce.

Despite their general distrust of unionism, police employees, like clerks, eventually found it necessary to organise. In organising, they operated within the industrial structures of their respective states. In the timing and manner of their industrial organising, police employees operated very much in the manner of white collar rather than industrial workers. That is to say, they did not organise until terms and conditions of service became so unsatisfactory that members reluctantly overcame their strong reservations respecting organised labour. The process of organisation was universally effected without resort to extreme industrial action. Once unionised, great personal commitment to the service remained among police employees regardless of their economic or other grievances. Even in Victoria, where police went on strike in 1923, a sense of corporate guilt existed in the department among those members who did not strike for many years.³¹ Police were reluctant unionists in most cases, and had state governments cared better for their respective police departments, it is probable police would not have organised until very recent times. But, years of delay, unkept promises, substandard remuneration, and sometimes actual deceit on the part of police authorities, hardly constituted a regimen designed to either properly protect employees or keep unionisation at bay.

Some police unions achieved access to their respective industrial tribunals early on in their existence whereas others, for various

reasons. waited many years. In the absence of access, police employee representatives negotiated with employers and waited upon ministers in deputation as had been the practice prior to organisation. Just as public servants had originally been viewed as being unsuited to industrial arbitration, even stronger official reservations were held in respect of police and school teachers. South Australia, Western Australia and Queensland, all industrial commission states, granted access to police unions relatively rapidly but other states held off granting access for many years, and even then either placed restrictions on access or placed police under the aegis of special tribunals.

State police unions, that is those unions which either represented ranks below Inspector or all ranks, organised within a 12 year period from 1911 to 1923. Territory police, relative late-comers to the police scene, organised rather later for different reasons.

Rank and file police in South Australia were the first to organise, late in 1911; closely followed by members of the Western Australian Police Department. Table 1 shows years of formation of all Police Unions. It was several years later before police employees of the eastern states combined. Just over a year after the outbreak of World War I, Queensland police subordinate ranks formed a union. Two years after that, in 1917, Victoria's police employees formed an association. However, that association was smashed by Chief Commissioner Thomas Blamey in 1933, and another association replaced it on Blamey's terms after a short interregnum. New South Wales' subordinate police officers organised during 1920, in the wake of industrial and social turbulence following World War I. Tasmanian police were the last to organise in 1923. An abortive attempt was made to form a Federation of Police Unions in 1922. Further efforts at federation were unsuccessful until 1947. Police of the Federal Capital Territory formed an association in 1933, and non-commissioned employees in the Northern Territory similarly combined in 1939. The latter association was, however, suspended for the duration of World War II. Prime factors conducing to employee combination were essentially economic. Police universally perceived themselves as being seriously underpaid and overworked. Unlike British police, who were entitled to weekly rest days by statute from 1910 on,³² some police in Australia worked either seven days a week or, 13 days

TABLE 1
Police Associations and Unions – Year of Origin

<i>Association/Union Title</i>	<i>Year of Origin</i>
Police Association of South Australia	1911
Commissioned Police Officers' Association of South Australia	1950
Western Australian Union of Police Workers (previously Police Association of Western Australia)	1912
Queensland Police Union of Employees	1915
Queensland Police Officers' Union of Employees	1925
Police Association of New South Wales	1920
Commissioned Police Officers' Association of New South Wales	1920
Police Association of Tasmania	1923
Police Association of Victoria ¹	1933
Police Association of Australian Capital Territory ²	1933
Police Association of the Northern Territory ³	1945
Northern Territory Police Officers' Association	1967

1 Previous Police Association of Victoria existed 1917-1932.

2 Police Association of the Australian Capital Territory changed name to Federal Police Association on 12 June 1979.

3 Previous Police Association of the Northern Territory existed 12 November 1939 to September 1941.

out of 14, until well into the 1930s. The antipathy of police employees to being associated with organised labour and their reluctance to indulge in job actions was a fact traded on by managements and governments for many years. In addition to economic considerations as precursors to police unionisation, secondary factors involving irascible and inequitable management were very much to the fore. With respect to the Northern Territory, a primary factor concerned the lack of objective promotion criteria.³³ Within the Federal Capital Territory, while police were not much better off than their colleagues elsewhere, it had become clear that an association was necessary to not only formally represent the grievances of subordinate members to management but participate in the wage setting process. Of the major forces, it is significant that the Police Department of New South Wales was the last to organise – it was the best paid, even though starting rates were below the state basic wage. The lateness of unionisation by Tasmania's police officers, who were in receipt of particularly poor conditions, is explained by the smallness of the Force and the resulting greater social control obtaining within that organisation. This factor no doubt also operated in the Territories.

It is, in a sense, ironic that the very public employees who did so much to counter early excesses by unionists and protect government interests were ultimately obliged themselves to unionise. The protectors realised they had to organise in order to protect themselves.³⁴ Despite the fact that employers and administrators have improved considerably in terms of humaneness over the last two decades, this realisation still obtains. In addition to the broad change of attitude among police employees generally with respect to the fact of their unionisation, all governments have long abandoned direct responsibility for setting employee wages. Preferring to operate on an adversary basis within the various industrial arbitration systems, governments have made the existence of police unions essential to the wage setting process. Organisational equity and occupational protection are other critical areas in which unions operate. So important are these roles now to the protection of police employees, it is difficult to envisage police industrial relations without them.

Once police unions began placing employees' views before administrators and governments, it was difficult for employers not to be impacted by such demands. Even when resisting employee

requests for improved uniform issues or additional leisure time, a greater awareness of such needs and wants inevitably intruded into the official mind. Apart from issues relating to superannuation, discipline and promotions, etcetera, union concerns were largely confined to basic economic, that is, award-related, matters. Certainly the first half century of police unionism saw a preoccupation by employees with fundamental rights and economic issues. During those years there was in the police community generally a lack of concern with the psychic needs of employees, of career structures and welfare. Indeed, it is arguably only in the last decade that any significant awareness of such matters has occurred. Police unions have seized the initiative in some respects, for example social clubs and stress claims but some initiatives, for example, career development, can only be undertaken by employers. Greater awareness must be demonstrated by managements concerning questions of organisational equity and industrial psychology. Although management attitudes have improved recently, and by no means entirely as a result of union originated pressures, they are still not as in tune with employees' needs as is necessary for desirable standards of protection to be achieved.

That the development of the police occupation has massive implications for employees is an obvious but little recognised fact. For many decades police was a low status occupation. Over the last two decades there is some evidence that the occupational status of police has slowly risen. It may be that the rise is due more to broad based societal factors than the performance of police,³⁵ but the fact is clearly demonstrated that the police occupation can improve. The activities of both unions and administrators (to say nothing of individual employees) will bear greatly on whether the increase in status continues. Continuance may result in an improved and more satisfying social environment for police employees and their families as well as improved job performance. The last few years have seen the emergence of threats to police occupational development, and thus to the potentially improved lot of police employees. A lack of awareness of such threats by both union and departmental officials represents a serious blank spot in police employee protection which transcends normal boundaries of responsibility. The fact that the threat is indirect and therefore less easily perceived neither reduces the seriousness of the threat nor the responsibility to counter it.

It will be seen from the foregoing that the protection of police employees is a complex concept possessing a variety of facets. The story of police employee protection is one that has changed considerably over time, especially the last one half century. Slow progress has been achieved in some areas whereas in other areas no achievement has been made at all. The lesson of history is that western society is on the brink of an era in which social and technological complexity will become extreme. For the police service and occupation to operate effectively in the trying years ahead, the men and women responsible for protecting society from the worst ravages of disorder and crime must themselves be protected – so that they may give of their best in the workplace. Protecting those protectors is what this book is about.

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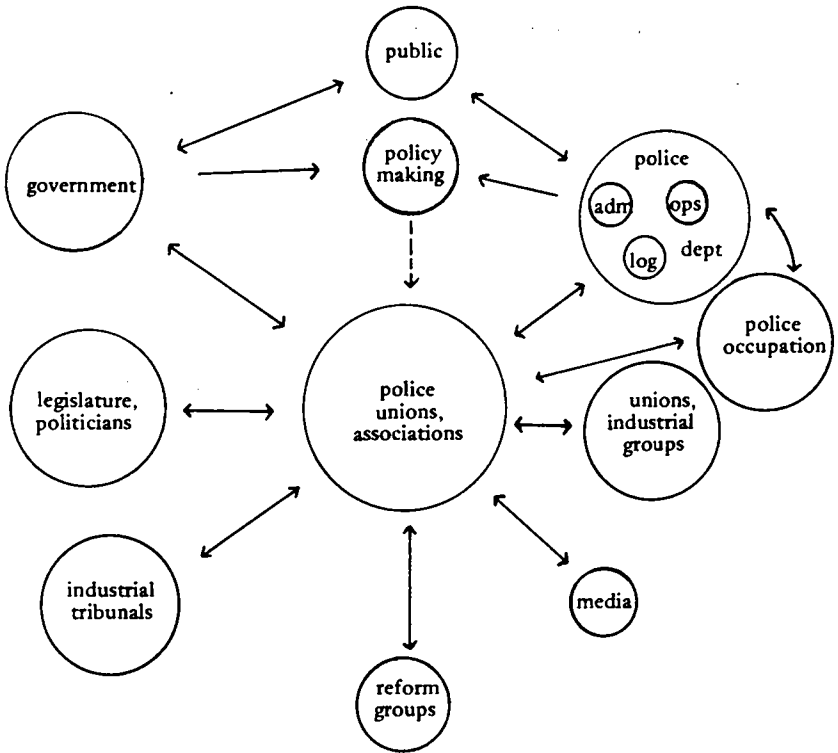
Chapter 2

Impacts of Police Unions

INTRODUCTION

To state the obvious, all groups in society relate to all other groups in greater or lesser degree. In terms of direct and significantly impactful relationships, though most groups, that is, organisations and institutions, interact with relatively few others. With respect to police unions, significant intergroup relations exist with a number of other organisations and institutions, such as police departments, governments, media, industrial tribunals, and other unions and industrial groups. These relationships are shown in simple form at Figure 1 and can be said to effectively constitute the social environment within which police unions operate. It is recognised the concept of relationship generally implies a two-way flow of influence. As the primary emphasis of this chapter rests on police unions, major focus is placed upon union imposed influences. However, it is recognised that in some of the events described in the course of this chapter extraneous influences have been critical. In discussing events in a categorical vacuum, it is unfortunately not always possible to do justice to those influences. Each mainland state police association or union is addressed in turn. Tasmania is excluded due to the fact that the Police Association of Tasmania has not yet achieved the levels of industrial disputation described in this chapter, although a generally reducing police industrial climate in that state suggests such a desirable situation may not obtain much longer. Periods of high tension with environmental organisations during the 1970s are described. The range and nature of various union influences are identified and actual impacts noted. This method has the disadvantage of being far from comprehensive, concentrating as it does on major conflict to the exclusion of directly positive aspects of union-department relation-

FIGURE 1
Relationships of Police Unions with Enviring Organisations and Institutions



ships. On the other hand, by focussing upon the ability of police unions to pursue their goals in the face of resistance mounted by other goal directed organisations and institutions operating in the same environment, a clearer understanding of police union power is gained. Substantial reference is made in later chapters to positive police union relationships with environing organisations.

Impacts may affect both structure and process. Thus, police union impacts should be perceived not only in respect of organisational formats (formal and informal), but also in terms of considerations such as the ability of chief officers to manage, formulation of policy, and potential for professionalisation (see Chapter Six).

Press coverage of police employee/union actions at times of extreme industrial tension suggests a degree of concern exists within the community concerning police employee power. Newspaper editorials posing the rhetorical question, 'Who is Running the Police?'¹ and articles referring to extreme rank and file reactions (regardless of the factual accuracy of reports), such as 'Police Move Against Chief',² 'Mobile Cops Talk Strike',³ 'Police Anger Erupts',⁴ 'Opposition of Police to New Law Supported',⁵ 'Angry Police see Premier'⁶ and 'New Threat by Police',⁷ not only create at least some small measure of apprehension among readers but also reflect innate public interest in the subject. More than that though, it is evident from such reports police employees (and unions) are actively and effectively participating in the struggle for power and economic reward which typifies modern industrial society. The image of earlier time, of police rank and file compliantly waiting for crumbs from the tables of government and senior administrators, no longer applies. How the struggles are conducted, the issues around which they are fought, the wins and the losses (where discernible), and the impacts suffered by other organisations and institutions as a consequence, especially the public, are surely matters of considerable relevance to the public interest.

NEW SOUTH WALES

The New South Wales police Minister (1975-1976) lost his portfolio, it is claimed, largely as a result of Police Association pressures. During the Minister's period of office, the decision was

made to alter departmental promotion policy. Such a policy disadvantaged a large number of senior noncommissioned officers. Not surprisingly, an influential body of police officers became disturbed at the possibility of a reduction in their career prospects. The Police Association, being the union which represents all subordinate ranks, quickly rose to their defence. In so doing, it utilised the various channels available to it. Were the Police Association not debarred by legislation from formally negotiating in respect of promotion matters, a more acceptable policy may have been formulated in the first instance, thereby possibly saving the Minister his portfolio.

In March 1976, the Association's magazine, *Police News*, editorialised:

So far as the police force is concerned, Mr Waddy's year of office could hardly be described as a highlight in our history and his final blunder in attempting to impose an artificial age restraint on promotions to commissioned rank at 50 has caused us to give serious consideration to the most unprecedented action of demanding his removal from office.⁸

The association, in an earlier editorial, had warned in strong terms of its resentment at the loss of members' rights to appeal to the Crown Employees Appeal Board in cases where they had been passed over for promotion for no apparent reason.⁹ The Association has a number of unsuccessful meetings with the Commissioner of Police and the Police Minister in an attempt to remove objectionable features from the new policy. Employee dissatisfaction with the Minister's performance in relation to this and other matters became intense. Ministers can sustain only so much loss of confidence among employees of departments for which they are responsible. After that, their efficacy and political credibility becomes seriously impaired; sometimes terminally. In this case, the Association's dissatisfaction with the Minister's perceived intransigence was conveyed directly to the Premier by letter, indirectly to the public through the media,^{10,11} and to employees through the pages of the Association's magazine. Shortly thereafter a new Police Minister was appointed.

It would be an exaggeration to claim the Police Association's efforts were solely responsible for the Minister's loss of portfolio. He was also criticised in relation to other matters quite separate

from his police responsibilities.^{12,13} At the same time, it cannot be doubted that the Police Association's publicly applied pressures were critical to his departure.

The New South Wales Police Complaints Tribunal is established under the *Police Regulation (Allegations of Misconduct) Act 1978*. The Police Association, unlike the department's administration and Commissioned Officers' Association, supported the tribunal's creation. Although desultory discussions had taken place over a period of several years, it was not until the Labor Government came to power in 1976 that work started on organising the tribunal. The Premier/Police Minister sent a draft of the Bill to the Police Association for comment. Clause 1 of the draft Bill included the rather startling provision that a member of the Police Force would be considered to have misconducted him or herself if their behaviour was 'unreasonable, unjust, oppressive or improperly discriminating, whether or not it was in accordance with any law or established practice'.

In response to the Minister's call for comments, the union tartly replied:

. . . if such a definition is included in the proposed Act we would be left with no alternative but to advise our members to take as little law enforcement action as possible in order to avoid the possibility of prosecution.^{14,15,16}

Considerable resentment existed among Association executive members in respect of the proposed legislation. Had the government persisted with the offending clause and passed it into legislation, it is probable the Association's executive committee would have advised their members in terms similar to those communicated to the Premier. More, many members would undoubtedly have complied. The government seems to have realised the danger because the offending provision was removed from the Bill without demur.

In recent years, the complexity of industrial relations has greatly increased, for example, job actions by essential service personnel, strikes by road transport owner/drivers and oil workers and demarcation disputes on the waterfront and in the building industry. On occasions, unions rather than employers have decided what action will be taken in certain situations, for example, the unilateral decisions by postal workers in the early 1970s not to

deliver mail on Saturdays. An example of police employees taking, through their representatives, a somewhat similar initiative occurred in Sydney during 1978. Storemen and packers in Myer's city store went on strike, forming a picket line to discourage deliveries. For the first couple of days good relations were maintained by picketers and police. On the third day, scuffles broke out as police arrested offending picketers. A violent melee ensued. Officials of the Storemen and Packers' Union complained to the New South Wales Labor Council about police behaviour during the melee. Both the Storemen and Packers' Union and the Police Association are affiliated with the State Labor Council. Officials of both unions thrashed the matter out, mediated by Labor Council officials. As a result, guidelines were agreed upon to cover relations between police and picketers in the future. This decision was subsequently conveyed to the police administration, although it was never accepted by the Department as formal policy. Subsequently, the Department itself has established a good relationship with Trades Hall officials and a cooperative spirit has been achieved with respect to policing labour industrial actions. For the time being at least, the department has regained the initiative.

This is not the first time in Australia that workers' complaints about police tactics have been resolved through negotiations between union officials. It is in all probability though, the first time a police union has presented its host department with an operational policy. The implications of such behaviour by unions may have marked consequences. Management is likely to interpret such behaviour as union usurpation of management rights. Subsequent denials by unions of such intentions are unlikely to be persuasive.

During 1979, the withdrawal of labour by prison officers created severe problems for the government in maintaining care and security of the state's prison population. Not unnaturally, the government turned to the police department for assistance. The Police Association was represented in talks between police and representatives of the Minister for Services. Earlier in the year, the Police Federation of Australia had approved a motion according to which the role of police in industrial disputes should be confined to the protection of life and property and the prevention and detection of crime.¹⁷ In replacing striking prison officers in the various prisons, police were being asked to act, in effect, as strike

breakers, a role inconsistent with Federation policy. On the other hand, police officers have a natural interest in prisoners being securely incarcerated. In the event of escapes, it is police employees who have to hunt the escapees and effect their recapture, sometimes under circumstances of considerable personal risk. Additionally, in many cases, considerable police resources have been invested in ensuring their incarceration in the first place. Being realistic and not wishing to provoke a revolt among its own members, the Police Association agreed to police employees entering prisons subject to their duties being restricted solely to matters of security. While the agreement has compromised Federation policy, it was sensible and works well. On all subsequent occasions when called upon to assist at gaols affected by staff strikes, police have adhered to this policy. It is fortunate that Salvation Army volunteers have so far fed prisoners,¹⁸ thereby removing considerable potential for individual complexity and strife from such situations.

The government of New South Wales acted to reform laws governing street offences legislation in 1979. In pursuing this reform it introduced *inter alia*, the *Offences In Public Places Act 1979*, which replaced the *Summary Offences Act 1970*. Section five of the former statute proscribes in extremely broad terms all forms of public behaviour reasonably likely to cause a reasonable person to be seriously alarmed or seriously affronted. The Police Association was not consulted on the decision to repeal the *Summary Offences Act 1970*, although the Police Minister did liaise with it concerning certain provisions of the new Act. At a meeting between Police Association representatives and the Police Minister, employee objections to the proposed legislation were presented.¹⁹ The government opted not to accept the Association's advice. With the commencement of the Act, the Police Association claimed the provisions required in section five, combined with a need for police to find public witnesses conforming to those provisions, made the task of controlling the streets unnecessarily difficult.²⁰ Control of the streets is perceived by police, and many others,²¹ as central to their role, a fact largely accounting for the intensity of rank and file resentment concerning this entire matter.

So strong was employee resentment on the issue, indeed, the Association took the unusual step of placing a full page advertisement in a Sydney morning newspaper, thereby initiating an intens-

ive publicity campaign against the legislation^{22,23,24,25} by putting police employees' views directly before the public.²⁶ The advertisement engendered a good deal of publicity in the various print media.^{27,28,29} The Attorney-General was placed in the position of having to defend his legislation and to promise that if complaints in respect thereof were shown to be valid he would then review it. He was, according to some reports, at least the subject of pressures at that time within his own party to have him removed from his portfolio. Such additional and negative publicity, if those reports be true, must have caused him considerable anxiety. While publicly taking a stand critical of Police Association complaints, terming them false, irresponsible and politically inspired,^{30,31,32} the Attorney-General was more conciliatory in private talks with Association officials. The dismissal by a Tamworth magistrate of charges against a youth charged with publicly baring his buttocks, apparently on the grounds that the prosecution could not establish beyond reasonable doubt that reasonable people would have been seriously alarmed or affronted, provided fresh fuel to the dispute, with a police union official claiming the decision as proof of the Act's defectiveness.³³

The situation became serious enough for the New South Wales Police Commissioner to issue a statement to the effect that all police taking action under the Act would be fully supported by the department — a remarkable action in itself. The Police Minister also publicly stated the government would stand by any police officer subjected to legal process as a result of taking action under the new Act.³⁴ This formal breach of the principle of vicarious liability in New South Wales as it affects police, provided the Association with useful ammunition with which to further attack the principle. The Police Association has long favoured Crown liability in respect of all on duty actions of police employees. Although this particular concession was considerably less than the blanket assurance of Crown liability for police employee duty related behaviour granted by the Victorian government in the wake of the Beach Inquiry, it is typical of the trade-offs police unions are able to force from governments finding themselves in extremes of public embarrassment.

At the same time as the dispute waged between Police Association and government representatives, it seems a considerable number of police became less active in the field of public order.

Charges for offensive behaviour and unseemly words in 1980 as compared with 1978 figures shows a reduction of almost two-thirds. Just as importantly, some people living in the central areas of Sydney claim to have observed greater public misbehaviour and to feel generally less safe since the introduction of the new legislation. During the course of the summary offences dispute, a serious riot erupted in Newcastle and it was noticeable the Police Minister and Premier were especially quick to support police actions with respect thereto.³⁵ It is impossible to demonstrate a connection between the two events but to informed observers, it seemed the two politicians were rather quicker to support police actions on that occasion than they might otherwise have been.

VICTORIA

During 1975-76, a board of inquiry investigated allegations of misfeasance and malfeasance against members of the Victoria Police Force.³⁶ This inquiry, and more particularly, the publicity which arose in its wake, had a markedly depressing effect on police morale. Many members of the department viewed the Beach inquiry as a public witch-hunt against the police service. But, it was not until certain of the inquiry's findings were made public that formal expression was given to this resentment.

The Chief Secretary publicly announced, subsequent to the inquiry's termination, that 55 police officers were to be charged with breaches of the criminal law and/or standing orders.³⁷ Rank and file reaction to the announcement was immediate. The Secretary of the Police Association made a statement to the press which *inter alia*, described the reported findings of the inquiry as the 'greatest disaster that has befallen the community in many years'. The Association's executive called an extraordinary general meeting of members in an effort to ensure no police personnel would be the subject of an *ex officio* indictment. Staffs of two large suburban police stations were reported to have voted to walk off the job, although in fact after receiving advice from the Association, they did not do so. The Premier received a delegation from the Police Association at Parliament House on the evening of the Chief Secretary's announcement. He assured the delegation a crown prosecutor would review the evidence in respect of any of the 55 members being charged, prior to charges being laid.³⁸

Shortly after, in a public letter, the Association's Secretary noted the union had been an ultra conservative body until that time, but:

If they (the Government) seek a confrontation they shall have one. The threat of a strike is now once again a very real possibility.³⁹

An extraordinary general meeting of the Association was held several days after the Chief Secretary's public announcement. It is estimated well over half the police force attended the meeting. This fact alone must have substantially reduced police cover in the Melbourne metropolitan area for the duration of the meeting to the detriment of public safety. At the meeting a vote of confidence in the Chief Commissioner of Police was passed but the Chief Secretary was subjected to a vote of no confidence.⁴⁰ It was agreed members would work strictly to rule until the government agreed to a seven point package deal.⁴¹

Guidelines concerning the work to regulations were issued by the Association to members (see Annex A). These measures included a 21 point vehicle check, not working 'one up', and terminating shifts strictly on time.

The seven points comprising the package were:

- no police officer to be sent for trial on an *ex officio* indictment;
- before any proceedings arising from the inquiry be instituted against members, a crown prosecutor review the evidence;
- onus of proof in cases of breaches of police discipline be one of proof beyond reasonable doubt;
- changes in police procedures recommended by the Beach report be the subject of a conference between the government, police department and Police Association;
- police costs be met by the government;
- government accept total vicarious liability for its police personnel in future; and
- government to prosecute non-police persons thought to have given false evidence to the inquiry with the same vigor shown in prosecuting police persons for similar behaviour.⁴²

In addition to the seven point demand, the Police Association publicly called for the resignation of the Minister for Police and a Royal Commission into the Beach inquiry. Both demands were rejected by the Premier.

A call to police employees by the Chief Commissioner of Police to abandon the work to rule was rejected by the Association's members.⁴³ The parliamentary opposition simultaneously joined the fray by moving an urgency motion in the Legislative Assembly, criticising the government's handling of police affairs.⁴⁴

It was reported in the media on the second day of the work to rule that police effectiveness was reduced by half,⁴⁵ although one newspaper reported police working normally in rural areas.⁴⁶ It is extremely difficult to evaluate claims of this nature. No doubt police services were severely restricted in some areas at some times. Due to the shortness of the period in which the work to rule applied, annual charge figures and other indicators of police productivity are unlikely to be significantly affected. It is doubtful if daily returns from the various formations will be made publicly available and so it is not possible to estimate day-by-day variations in police activity during the period of the work to rule.

On the second day of the work to rule, government and Association representatives met. Following the meeting the Premier wrote to the Association agreeing to most of its demands.^{47,48} In response, the Association called off its work to regulation the same day, the entire job action lasting something less than 48 hours. However, a close reading of the Premier's response shows that in relation to the demand concerning vicarious liability, the government's agreement was less than total; criteria of good faith and behaviour in accordance with instructions being stipulated. Even so, the government's admission of even partial crown liability provided a useful precedent for further exploitation.

With the Premier's response, the Association claimed victory and visibly relaxed its militant posture. Both sides were concerned to put the best light possible on events. The Association's secretary claimed:

The force will work better for its demonstration of solidarity and the government's acceptance [of demands] will help weld us back into a cohesive unit.⁴⁹

At the same time, the Premier claimed there was no breakdown on the part of his government in the face of police pressure. Commenting rather unconvincingly, he continued:

It is not a capitulation in any way. The seven requests which the police made in a very amicable discussion were not unreasonable.

Even without the work to rule, we still would have agreed to their demands.⁵⁰

Victoria's second police job action in recent years occurred in 1978. This instance involved a dispute between the Police Association and the Chief Police Commissioner, rather than the government.

During February 1978, the Police Association of Victoria called on the Chief Commissioner of Police to revoke an executive order that all initial appointments to the Criminal Investigation Branch (CIB) come from Constables or Senior Constables with less than two years service on the rank, such a policy to come into effect after a six week interim period. A special general meeting of the Association was called for the following month so the matter could be discussed.⁵¹ By the time the special general meeting was held, a further grievance had been accepted for discussion — postings within CIB. The meeting passed a series of motions critical of departmental policy in respect of both matters together with suggested alternatives involving:

- CIB be increased to the percentage recommended by the St Johnston report in order to overcome the necessity for executive instruction No. 97.
- Senior Constables of more than one year's service on the rank be permitted to enter CIB conditionally and that they serve in CIB for a period of three years, and if they do not then they are not eligible to return as sub-officers.
- CIB be expanded to enable those currently excluded by executive instruction No. 97 to enter CIB and, from then on, the criteria as set out in executive instruction No. 97 to apply.

The matter then rested for several months. In August, the Association received a petition from certain of its members to hold a further special general meeting. The proposed agenda included reference to the same two executive instructions:

... that we, the members of this Association, regard executive instructions No. 94 and No. 97 as attacks on our rights and integrity, and as grave threats to the efficiency of the force. Having made

every reasonable action, through negotiation and compromise, to reach a just solution to the conflict and problems created by these executive instructions we now demand that these executive instructions be revoked within five days; and if they are not revoked within the period we ask all members of this Association to work strictly in accordance with police regulations and standing orders until the instructions are revoked, and the compromises suggested by the special general meeting of 22 March 1978 are accepted.⁵²

The motion was passed by the small number of members attending the meeting.⁵³ However, executive members of the Association doubted a majority of police would agree to work to rule in accordance with the motion.⁵⁴ In an effort to avoid a split, the Association's executive asked the Police Service Board to hear appeals from members disadvantaged by restrictions on entry to CIB. The Chief Commissioner of Police was also approached but he declined to negotiate.⁵⁵ At this stage a groups of members, including some mid-ranking officers, petitioned the Association to hold a special general meeting to consider rescinding the motion advocating the repeal of executive instructions No. 94 and No. 97.⁵⁶

This second meeting however, confirmed rather than rescinded the earlier motion, with a majority of members voting in favour of a work to rule by almost a 3:1 margin.⁵⁷ The feared split in ranks became evident during the meeting, with some members reportedly shouting 'mutiny' and 'we're not communists'.⁵⁸ A few days later, on 4 October 1978, the Police Association executive agreed to a work to rule job action leaving the means to be determined by individual members. Many members would have been in possession of the work to regulation guidelines from 1976. Even so, the apparent lack of interest and direction exercised in the matter by the executive suggests such a job action was not widely favoured by the membership; only a small number of whom were directly affected by executive instruction No. 97. Such an appreciation was correct. According to reports, the work to regulations was not well supported by members,⁵⁹ totally expiring within a few days. The Chief Commissioner of Police remained steadfast, maintaining that both instructions were necessary to permit improved functioning of the CIB.

For nearly a year the standoff continued with the Association officially objecting to executive instructions No. 94 and No. 97 and the Chief Commissioner of Police refusing to rescind the

instructions. During this period dissatisfaction among rank and file members increased. A number of causes for this deteriorating morale situation were identified at the time as being:

- poor quality firearms and insufficient ammunition;
- insufficient money to maintain and build police stations and residences;
- refusal to ensure members do not work alone;
- members being assessed by unqualified officers; and/or
- delays in reviewing the police manual resulting in members not always being aware of changes in the law.⁶⁰

One apparent cause for employee annoyance was the Chief Commissioner's public criticism of colleagues who reported a cabinet minister under consorting law provisions for reportedly being in the vicinity of a massage parlor.^{61,62} Such public lack of support by superordinates is invariably a matter for keen resentment in police organisations^{63,64} and was clearly evident on this particular occasion. It seems probable the last mentioned grievance precipitated the Association's resolution in August 1979:

... because of the continual and repeated failure of the police department to take due and compassionate consideration of the welfare, safety, wellbeing, efficiency, interests and morale of members of the Police Association that this executive publicly expresses in the strongest terms to the Chief Commissioner of Police and to the Minister for Police and Emergency Services the executive's complete dissatisfaction with and lack of confidence in such administration. Further, that in view of such dissatisfaction and lack of confidence that we now publicly call upon the Government of Victoria to amend the *Police Regulation Act* so as to enable the Police Service Board to conciliate and finally arbitrate on such matters that have been raised by the Police Association in accordance with its memorandum of association which have not been resolved by negotiation between the Police Association and the police department.⁶⁵

This resolution is of particular importance for two reasons. First, by implication, it was a declaration of no confidence in the Chief Commissioner of Police — for he is responsible for police

administration. Certainly, the Chief Commissioner of Police interpreted the resolution in that manner, although an Association representative denied the resolution referred to him personally.⁶⁶ Second, and more significantly, is the resolution's demand that the Police Service Board be provided a conciliation and arbitration power with respect to all matters in dispute. Such an authority has implications for the direction and administration of the department and the authority of the Chief Commissioner. It can be reasonably expected the Association will continue to push for such a provision and that the Chief Commissioner will continue to oppose it. Not only the Chief Commissioner of Police but other elements can be expected to oppose the widening of Police Service Board powers. The government will assuredly not concede the issue without extreme pressure being brought to bear. At least one leading newspaper editorial has also objected to such conciliation and arbitration provisions being made available to police.⁶⁷ This issue will undoubtedly continue to be an irritant in Association-department relations in the future, although employee morale concerning the matter will probably fluctuate according to the number of other irritants operating at any particular time.

The executive resolution referred to above was subjected to criticism from a group of about 50 members, including senior CIB ranks. This group demanded a special general meeting to debate the resolution. A well attended meeting several weeks later debated the resolution, overwhelmingly endorsing it. Emotions ran high during the meeting, some senior officers were reportedly booed and cat-called during discussion of sensitive issues.^{68,69} Where divisions of interest coincide with differences in rank, and all ranks are members of the one union, as is the case in Victoria, the potential for internal tension is obvious. Thus, tension resulting from industrial militance conduces to latent functions which can be particularly disadvantageous to the solidarity of 'all rank' unions.

In the meanwhile, the Association referred its demands to the Minister for Police and Emergency Services. Two prime reasons apparently underpinned the move. First, some employee complaints related to inadequate funds which are a government responsibility. Second, the Chief Commissioner was thereby bypassed. Whether the Chief Commissioner was in fact neutralised by the manoeuvre depended to a great extent on the nature of the

relationship existing at the time between the Minister and the Chief Commissioner. As the Minister did not concede the Association's demands, it may be concluded relations between the Chief Commissioner and the government were sound. More importantly, this particular case study illustrates the necessity for solidarity in Association ranks if employee victory is to be achieved in confrontation situations.

QUEENSLAND

Under the leadership of its present administration, labour relations in the Queensland Police Force are remarkable only for their low level of friction. During much of the life of the previous administration however, police industrial relations were poor. In that period, the police administration and the police union engaged in at times, spiteful war characterised by the length of the campaign and the intensity with which its various battles were fought. The fact that the conflict terminated only with the removal of the Police Minister and the resignation of the Police Commissioner makes it a major event in police administration history. The departure of police and public officials in the face of sustained union opposition makes prophetic the words of two former United States union officials cited in an address to the annual conference of the International Association of Chiefs of Police in 1972:

Chiefs, superintendents, and commissioners are temporal. They'll change. The union is the only permanency of the department. It is us with whom you will deal, we will make the police.⁷⁰

Conflict between the Commissioner of Police and the police union began to crystallise in 1972, although rank and file morale was reportedly low even before that. General dissatisfaction had in fact pervaded the Force from 1969 on, following the appointment of an outside Commissioner. Not only were rank and file members generally opposed to the appointment but friction had developed between the union's executive and branches over the fact that the union executive initially supported the new Commissioner's appointment. Against this background several specific grievances emerged:

- lack of reasonable promotion prospects;

- insecurity based on prospects of sudden postings to distant stations;
- lack of administration support for field personnel;
- administration's preference for younger members possessing academic qualifications; and
- the employment of fellow unionists in the investigation of allegations of police corruption.⁷²

It is impossible to assess whether these complaints were valid, and if so, to what extent. What is important however was the perceptions of members. If employees considered such grievances valid, then following Thomas' well known dictum, such perceptions were real in their consequences for them. The resignation rate indicated many members did perceive such to be the case. By mid 1972, morale had reduced to a level where the police union demanded a review of the police hierarchy. In Brisbane and certain major country centres, meetings of police employees variously condemned the handling of the Force or passed no confidence motions in the Police Commissioner and Police Minister.⁷³

Early in 1971, the Commissioner of Police introduced the *Commissioner's Newsletter*. This weekly publication was apparently intended to convey the Commissioner's thoughts and a variety of other information direct to members. As time passed and conflict between Commissioner and union deepened, the *Newsletter* was occasionally used to either combat union criticisms of the administration and/or attack the union. Subsequently, the police union, following a resolution of the 1973 Triennial Conference, commenced publishing a similar type of news-sheet; the *Union View*. The first issue appeared 11 May 1973.

At roughly the same time as the *Commissioner's Newsletter* commenced, another departmental initiative was launched. This innovation concerned the Police Arts and Sciences Course Certificate. At the outset, successful completion of the course was not made a prerequisite for promotion. Holders of the certificate applying for promotion would have the fact taken into account but nothing more. Reaction of employees to the introduction of the certificate course is difficult to judge. Perhaps the best that can be said is that reaction initially was mixed. Towards the end

of its first year of operation however, members' dissatisfaction with the course became evident. Members studying for the certificate were said to be wondering how much of an advantage its possession would confer. More particularly, would the benefits deriving from satisfactory completion of the course, or units thereof, compensate for the inconvenience of three years part-time study? On the other hand, some members not having opted to study for the certificate began wondering about their future in the organisation.⁷⁴ These worries were clearly interconnected with the question of promotion, which was already deeply vexed for other reasons.

Deterioration in morale and department-union relations continued over the next couple of years. During March 1973, the Commissioner issued an instruction to the effect that (as from 1 January 1975), possessors of the Police Arts and Sciences Course Certificate would be exempted from certain questions in departmental qualifying exams for promotion. Ten months later, on 11 January 1974, it was officially promulgated that possession of the Police Arts and Sciences Course (PASC) units would be prerequisites for promotion. Many members of the department, already resentful at the introduction of the PASC, became even more dissatisfied by reason of their awareness that advancement now totally depended upon its possession. It was from this point the end for the Police Minister and Commissioner of Police can be said to have begun. Intense employee resentment induced strong union protest. Accordingly, introduction of the new condition was deferred until 1 January 1976. In addition, members aged 55 years and over were exempted the requirement. Despite the concessions extracted by the union from the administration, it could not overcome the Commissioner's legal authority to make such a rule. This power was conferred by Rule 32 of the *Police Rules*. Unable to overturn the PASC stipulation, the union negotiated an agreement with the administration making it possible for members to be promoted to the rank of Senior Constable after seven years service for those possessing *inter alia*, a specified combination of certificate units.⁷⁵ Previously, the qualifying period was 10 years.

Even these concessions failed to satisfy many police employees. It was reported in the press at the time that some police union branches were considering holding special meetings to rebuke the

union executive. A sure sign of low morale in the Force was the resignation rate. In 1973, out of a total of 155 separations, 95 were resignations. The following year, out of a total of 234 separations, 143 were resignations. This exodus stimulated the Commissioner to insist on the statutory three months notice of resignation being observed, a provision not previously enforced. This measure further increased rank and file resentment and the union's newsheet No. 7 attacked the Commissioner on the subject.

As morale decreased over the period 1972-74, metropolitan and country branches of the union met periodically to condemn the running of the department and/or pass no confidence motions in the Police Minister and Police Commissioner.⁷⁶ One country branch went so far as to request a union wide vote of no confidence in the Police Commissioner. A member of the union executive, who had on a number of occasions been the subject of favourable references in the *Commissioner's Newsletter*, opposed such a vote. After taking legal advice on the matter, the executive decided not to hold the requested ballot as it was felt the union's constitution did not authorise such expenditure – roughly \$1,000.⁷⁷ Even so, the occasion provided the leader of the parliamentary opposition one of numerous opportunities to attack the government over its handling of the police portfolio. This pressure in turn forced the Police Minister to publicly support his Commissioner.⁷⁸

The state's second largest branch of the police union was located at the police depot, which also served as a patrol base. Conditions at the depot were a constant source of rank and file grievance. Everything from lack of toilets and telephones to inadequate parking space for shift workers were frequently referenced in branch reports. Other causes of dissatisfaction to receive mention were the arts and sciences course and resignations. In June 1975, employees at the depot recommended a work to rule if satisfactory progress was not made on physical improvements at the depot within a prescribed period.⁷⁹ This veiled threat was not followed up but nevertheless, served to indicate the level of discontent prevailing at the time.

Later in 1975, the police union secretary publicly called for the resignation of the Police Minister. The call was precipitated by a dispute between the Minister and the union secretary concerning what had been said at a meeting held to discuss a proposal to institute an inquiry into allegations of police malpractice. The

Minister stated publicly that union officials had agreed to a certain course of action being followed. Union officials denied the Minister's account of events. The Minister riposted he had a taped record of the meeting which would show his account of the discussion to be correct. Subsequently, when challenged to produce the evidence, he announced that only a few preliminary sentences of the discussion had in fact been recorded. The tape recorder was said to have malfunctioned.⁸⁰ Quite apart from the legal and ethical complications of recording discussions without the consent of all participants, the Minister's performance was costly to the government in terms of adverse publicity. At best, he was seen as inept in the light of his failure to produce the alleged recording. At worst, he was seen to be deceitful in that the taped recording may have supported the denials of the police union officials and was therefore not produced. Page one headlines in Brisbane's leading daily newspaper ensured wide publicity concerning the event. The impact of such an occurrence upon an already dissatisfied and cynical police rank and file was hardly calculated to improve their morale.

In 1976, it was to prove a year of climax in the struggle for supremacy between the union and the police administration. The year started badly for the administration when cabinet, in January, decided the PASC should no longer be integrated with qualifying examinations. Compensation for those who had already completed the course was set at \$10 and \$7 per fortnight for officers and non-commissioned ranks respectively.⁸¹ This decision amounted to a repudiation by the Premier of his Police Commissioner and the Police Minister. But, the move had come too late to defuse rank and file militancy which by this time had reached great intensity. Virtually every administrative initiative was condemned (regardless of intrinsic merits) by reason of the generally negative set existing among employees, even though the original irritant had been removed.

It was about this time the union commenced a campaign of having members explain to outsiders the nature of their grievances. This move was particularly successful in respect of the Premier himself. In his frequent flying trips to country centres he often spoke with rural policemen. It was not long before these employees had personally impressed upon the Premier the full measure of their discontent.⁸²

In 1976, an issue arose which served to fuse and magnify the numerous frustrations experienced by police employees. A union pay application was rejected in the State Industrial Commission. A number of union branches responded by either suggesting industrial action be taken forthwith or, that support should be given to such action should the union executive recommend it. In fact, there were indications of an unofficial go slow among metropolitan personnel. For two days, only two traffic offence notices were issued. Otherwise, it seems, for a period of 48 hours no other offences were reported and no arrests made. The action was quite spontaneous and no suggestion was made to members by the union to 'go slow'.⁸³ The traffic police branch asked the union executive to hold a secret ballot concerning a 48 hour strike, but the Police Minister quickly called on the union to resubmit its claim, which it did.^{84,85} Such advice from a Police Minister is unusual and served to indicate the seriousness with which the government viewed the possibility of police industrial action. Certainly, morale was so low by this time, the possibility of a strike had to be seriously considered. The nature of the Minister's advice is also of interest for another reason.

Considering the Industrial Commission had just rejected the police union's application, why did he recommend resubmission? Was he merely stalling, or did he have reason to expect a different decision by the Industrial Commissioner in the event of the application being resubmitted? Informed sources suggest the government had to stall until a new financial year commenced as it has not allowed for a police pay rise in its 1975-76 accounts. It is not possible to substantiate the point, but if the suggestion is correct, it is a poor reflection on the independence of Industrial Commissions. About a year later, the police application, in an amended form, was successful and police received a substantial pay rise. Both successful and unsuccessful applications were heard by the same Industrial Commissioner, although additional evidence was submitted to the second hearing. The militant reaction by rank and file police at the union branch level concerning the first determination seems to have had the effect of making the government reconsider its budgetary position. The fierceness of police employee reaction to the rejection of the former award application was without doubt largely determined by the depth of rank and file dissatisfaction with the department's administration.

Not many months later, in January 1976, Brisbane detectives in the course of a stop work meeting passed a vote of no confidence in the Police Commissioner. The immediate reason for the vote of no confidence concerned an alleged punitive transfer of a Detective from criminal investigation duties to uniformed patrol duties.⁸⁶ The underlying cause of the detectives' militance however related to the Commissioner's plans for departmental reorganisation. At the same time, police headquarters staff affirmed their opposition to the arts and sciences courses.⁸⁷ Page one newspaper headlines again resulted which gave the parliamentary Opposition Leader yet another opportunity to attack the government over its handling of police affairs.

It was at this stage the Premier took the opportunity to oppose both the departmental reorganisation and the arts and sciences course as a prerequisite for promotion. According to contemporary press reports, the Police Minister attempted a compromise with the Premier,⁸⁸ but relations between them had eroded too far to permit restoration.⁸⁹ The Minister's failure to achieve a compromise made his future in the portfolio limited.

About mid year, the police union requested the Premier to remove the Police Minister. Reasons supporting the request included:

- apparent inability to control and/or direct the Commissioner of Police;
- continued distortion of promotional rule No. 27 and failure to recognise promotion should be by seniority, all other factors being equal, and that the new system of promotion was responsible for all the ills and mismanagement of the force;
- continued procrastination concerning the implementation of:
 - * technical officers' section, approved in principle by the Minister in November 1975;
 - * improved housing and living conditions for members in provincial and country areas;
 - * fair, impartial, open and just examination, promotion and transfer systems; and

• inaccurate press reports.^{90,91}

All these grievances had their origins in the general sense of frustration experienced by employees. The really critical complaints though, concerned examinations and promotion. Without them, it is highly doubtful a demand for the Minister's dismissal would have occurred.

As the situation deteriorated further, the Opposition Leader added his support to the demand for the Police Minister's removal.⁹² By August 1976, the Premier was prepared to move in respect of the Police Commissioner⁹³ and the Minister. During July, a police officer allegedly struck a student demonstrator. The Police Commissioner, backed by the Minister, instituted an inquiry into the alleged assault. The Premier, in cabinet, quashed the inquiry.⁹⁴ In cancelling the inquiry (in strong accordance with rank and file sentiment) and so overruling his colleague, the Premier clearly indicated he seriously lacked confidence in his Police Minister. The Premier's move was especially strongly supported by traffic police, who praised his stand against demonstrators and passed a censure motion against the Police Commissioner for good measure.⁹⁵ Not to be outdone, the detective branch of the union called for the Commissioner's resignation.⁹⁶ On the other hand, the Premier was publicly attacked by the media⁹⁷ and the Opposition Leader⁹⁸ for his cancellation of the police assault inquiry.

It was clear by this stage the Police Minister was close to losing his portfolio.^{99,100,101} On 10 August 1976, the Premier did in fact remove the Minister, thereby depriving the Police Commissioner of his political support.^{102,103} The Premier publicly denied the Minister's change of portfolio was due to police union pressure, merely saying he thought both the Police Minister and Commissioner were ahead of their time.¹⁰⁴ The media certainly did not accept this explanation. Both Sydney and Brisbane newspapers felt constrained to ask who was running the police department, the union or the Commissioner?¹⁰⁵ Brisbane's major afternoon paper, under page one headlines, openly asserted the Premier was influenced by the police union.¹⁰⁶

With the appointment of a new Police Minister, the police union again made representation opposing the Commissioner's plans for decentralisation. These plans were based on a survey of

the Queensland Police Force conducted by Brigadier J. McKinna (then Commissioner of Police in South Australia) in 1969. The report has never been made public. Traffic and Criminal Investigation Branches were both said to be due to be 'broken up', that is, decentralised.¹⁰⁷ Despite a reported undertaking by the incoming Police Minister that decentralisation would not go ahead, the Police Commissioner commenced implementing decentralisation. Rank and file frustration, particularly in CIB, traffic and mobile patrols, continued at a high level.

At this time, the situation was complicated by two other events. First, a police raiding party was accused in August, of behaving unlawfully while raiding a north Queensland 'hippie' commune. Second, the Premier, in Executive Council, appointed an Inspector to the rank of Assistant Commissioner contrary to the Police Commissioner's advice. The former event, as a result of the campaign for an inquiry into police actions which followed it, was cause for considerable embarrassment to the government.¹⁰⁸ The second, apparently, precipitated the resignation of the Police Commissioner in November.^{109,110,111} The newly appointed Assistant Commissioner was advanced further, to the vacated office of Commissioner of Police and thus, a new administration commenced. A low profile was taken by the new administration, plans for decentralisation were either cancelled or shelved and union militancy disappeared almost overnight.

WESTERN AUSTRALIA

In Western Australia, relations between the police administration and the police union are generally more congenial than those existing elsewhere in the country. Many factors no doubt contribute to the stable police industrial scene which exists in that state. One such factor is commonly considered to be the department's limited involvement in industrial disputes. Due to a legal provision unique to Western Australia, the government rather than the department is almost invariably viewed by police employees as constituting 'them', that is, the opposition, in cases of industrial dispute. Thus, it is understandable that significant police industrial conflict in Western Australia tends to occur mostly between the police union and the government of the day. In fact, it is suspected

the police union has at times acted with at least covert support from the police administration.

Prior to 1975, traffic control and enforcement was performed by police in the Perth metropolitan area as well as in certain local government areas. In certain shires however, traffic control was the responsibility of Council traffic inspectors. This interesting relic of localism was the last of its kind to survive in Australia. Moving traffic regulation is, and has long been, the exclusive province (subject to some qualification in Tasmania) of police in other states and territories. Local government responsibility for traffic matters was highly prized in Western Australia for reasons of local identity and independence, quite apart from the revenue so generated.

Early in 1974, with an eye to the forthcoming election, the parliamentary opposition expressed concern with the road toll and proposed an independent traffic patrol be formed to tackle the problem. The proposition had been floated a year earlier by the same party. Despite the police union's widely publicised objection¹¹² (see Annex B), lack of adverse public comment apparently convinced the proposal's authors that it possessed general support.

Both the police department and the police union perceived the threat of reduced membership and status, as well as reduced funding, implicit in the scheme. The police department remained silent but on 8 March 1974, three weeks before the election, the police union published an open letter to the public which not only attacked the opposition's traffic control proposal but implied readers should vote against opposition candidates.¹¹³

Two weeks later, the union circulated a message to members that justified its public attack on the traffic patrol proposal. Reasons for opposing the formation of an independent traffic patrol were given as reduction in the status of West Australian police personnel and flowing therefrom, reduced remuneration of Western Australian police *vis a vis* other police agencies.¹¹⁴ At that time, relativity was the major argument employed in police wage and allowance claims.

Despite the police union's advice to voters, the opposition parties were successful in the state election held 30 March 1974. The incumbent Labor Government, which had favoured police control of all traffic matters, moved into opposition. The incoming Liberal-Country Party Government was eager to implement its

election promises, including the creation of a highway patrol.^{115.116}

As proposed, the new body was to be independent, under the command of a Commissioner of Traffic. Field staff, who would wear a light blue uniform, were to be given police powers. It was expected most members of the new body would be recruited from the police department's traffic branch. Provision was to be made for such personnel to transfer back to the police department after having served 10 years with the traffic patrol, should they so wish. Shire traffic inspectors were also expected to apply for membership.

Almost immediately, press reports appeared remarking on the reluctance of police employees to transfer to the proposed patrol. Members realised, *inter alia*, they would lose their status as policemen and become lower status law, (but non-police) enforcement personnel, rather as did the Australian Capital Territory police officers some years later when their agency was absorbed by the Commonwealth Police Force. The police union was clearly cognisant of the disadvantage the police department would suffer should a new body be formed by excising the traffic branch. The union's General Secretary and Council entered into negotiations on the topic with the new Minister of Police.¹¹⁷ Police employee morale was low at that time and members placed their faith in the union to negotiate a satisfactory alternative. It is not an exaggeration to say that most traffic police would seriously have considered striking at this time had the union recommended such action. Normally quiet and modestly attended police union branch meetings were suddenly packed with vociferous members, all demanding to air their grievances.¹¹⁸

Concessions were quickly made by the Minister concerning the status of police traffic branch personnel. It was agreed they would remain members of the police force in all respects and be bound by the same conditions of service as all other members. They would remain subject to the *Police Act 1892*, its regulations, police standing orders, and their movement into and out of the patrol would be subject only to the discretion of the Commissioner of Police.¹¹⁹

Thus, instead of the proposed traffic authority having its own entirely separate personnel establishment, the government agreed that the body's field personnel should comprise attached police officers. What had originally been designed as a major reassign-

ment of police function to a non-police agency was changed to police retention of all traffic control duties, subject to policy oversighting by the traffic authority. In one sense, the situation was farcical. If police personnel were to control traffic anyway, why should they not do it under the auspices of the police department? But, election promises have to be seen to be kept and so the compromise was reached. No doubt many arguments favouring the status quo were advanced behind the scenes but it seems clear the militance of police employees combined with their union's strong representations to government were the salient factors in preventing the complete excision of traffic control functions from police.

Following negotiations between the Police Union and the Police Minister, a memorandum was published in the *Police Gazette* for the information of employees. The memorandum clearly stated the Authority's Traffic Patrol would remain a branch of the police force.

The detailed planning which followed the new agreement negotiated by the Police Union required thought, effort and diplomacy, during the ensuing months. Even so, little was publicly done other than to appoint certain Authority staff and a meeting of interested parties was called some eight months later. At that meeting, the Minister's responses to union demands were generally satisfactory.¹²⁰ Although many minor matters remained to be finalised, the battle had been won and thoughts of a police strike in Western Australia averted. For the concessions gained, police traffic patrol personnel were prepared to cooperate with the new Traffic Authority provided their status as police officers remained intact.

The Road Traffic Authority, which formally commenced life on 1 June 1975, was a corporate body and a department in its own right for the purpose of the state's *Public Service Act 1904*. But, its patrol staff were still policepersons attached to the Authority at the discretion of the Commissioner of Police and administered by him. But, tension remained nevertheless. Clearly, the Police Department could never be satisfied while its traffic patrol branch was detached. Equally, the Road Traffic Authority could never be entirely satisfied until it could call its field staff its own. In 1976 for example, the Police Union complained, with some merit, that the patrol element of the Road Traffic Authority was

frequently presented as part of the Authority rather than an integral component of the police force.¹²¹ Given the peculiarly hybrid nature of the Road Traffic Authority, such tensions were inevitable and could only be resolved by the patrol element either being fully absorbed by the Road Traffic Authority, or the traffic control function being fully restored to the police department. In 1982, the latter course was adopted by the government of the day.

SOUTH AUSTRALIA

During July 1974, the Police Association of South Australia applied to the Industrial Commission to vary the police award in a number of respects but principally, to increase salaries by 40 per cent.¹²² Resort by police employees to the Industrial Commission was a rare event at that time, as previously collective bargaining had proved adequate in determining police remuneration. The Association itself had been placed in an awkward position as police salaries in other states had shortly before been substantially increased which meant that from being one of the best paid police forces in the country, the South Australian Police Department had been suddenly reduced to being one of the poorest paid. The government proved resistant, offering only a 19 per cent increase. Thus, prior to the resorting to arbitration both sides had made their stand. A great deal of rank and file interest was displayed in the case, probably as much for the novelty of the fact that it was proceeding by way of arbitration as for its economic attraction. The Association issued regular bulletins to members and as events unfurled, two teletype messages were sent to all stations. Even so, so great was employee interest, the Association's switchboard was frequently jammed with calls of members inquiring as to the state of the Award application.¹²³

In October 1974, the Industrial Commission handed down its decision. The decision covered a number of items, the most important concerning salaries. Salaries were increased by varying amounts ranging from 33.3 per cent at the Constable level to 20 per cent at the Senior Sergeant level. These salary increases together with increased mileage and uniform allowances were estimated to increase the police department's budget by some five million dollars a year. The Police Association expressed itself satisfied¹²⁴ and members generally were happy with the result.

Morale fell drastically however, when the Public Service Board appealed the Industrial Commission's decision. The Premier claimed that while he had not directed the appeal, it did flow from his direction as Treasurer that awards markedly varying from the norm should be appealed. He also declared that he agreed with the appeal. Relations had never been cordial between the Premier and the Police Department and few police employees were prepared to believe he had not played a direct role in instituting the appeal. A protest meeting of police from throughout the metropolitan area was addressed by an Association executive official. He later informed media representatives that members were disappointed and angry but would be 'most unlikely' to take industrial action. In fact, South Australia police were as close to taking industrial action then as they had been since 1918 when a mass resignation of members very nearly occurred.

In addition to the Association's protests, the Trades and Labor Council approached the Premier to reconsider the appeal decision.¹²⁵ The Premier himself addressed a hostile meeting of about one half of the active police force at Trades Hall. The Premier gave members reasons for the Public Service Board appeal,¹²⁶ which combined with his personal courage in addressing the meeting, was sufficient to pre-empt industrial action on their part. It was asserted in Parliament that the government's appeal was predicated on the knowledge that police, due to their unusually high sense of commitment to duty, would be unlikely to indulge in job actions of any kind. There is merit in the assertion although, credit must also be paid to the Premier's fortitude in directly confronting his critics.

Morale remained low while the appeal was heard by the Full Commission. At Christmas time the Full Commission made its decision known. It reduced the previously awarded pay increase by 11.5 per cent.¹²⁷ While this decision had the effect of removing South Australia as a police pay pacesetter, the result was not markedly different from what police elsewhere were receiving. During the course of the appeal, the fire had gone out of members' resentment, leaving them generally sullen and dispirited. Thus, while rank and file unionist reaction was resentful, the result was accepted without further significant protest. On the other hand, the government had resisted police union pressures not to go ahead with the appeal to the Full Commission, had taken whatever

risk there was of a police job action and had succeeded in reducing the award. The government's determination to continue with what it apparently saw as a right and proper course at the risk of police union retaliation was evidenced by the Premier's rather doubtful statement to parliament to the effect police officers had the right to strike in response to the government's opposition to the Industrial Commission's award.¹²⁸

The next instance of South Australia's police union coming into serious conflict with an envioning organisation or institution was a more protracted affair. The opposing institution in this case was the Police Administration and the outcome favoured the union in that over a period of years, the department reversed long standing policy concerning firearms issues in favour of the wishes of rank and file members.

The issuing of firearms to police is always a sensitive issue, a matter of deep concern to police and public alike. For many years uniformed police in South Australia were armed with semi-automatic Browning .32 pistols on a needs only basis, that is, weapons were issued on a need to carry basis and to patrol personnel. Detectives had long routinely carried concealed pistols.

Concern among police pertaining to firearms is evident from at least 1974.¹²⁹ The marked increase in armed offences during 1976 and 1977 no doubt encouraged police employee concern on the subject. Then, in March 1977, two young police patrolmen were seriously wounded by an armed assailant when attending a call to private premises. Both members were wearing concealed semi-automatic pistols at the time of their wounding. A union branch meeting of deeply concerned colleagues of the two wounded men resolved the Police Association should approach the police department with a view to all on duty police being issued with a firearm. Concern was also expressed regarding the type of weapon issued and whether it should be carried in a concealed position. One member at the meeting commented to a reporter, 'the matter of wearing firearms has concerned us for some time, but the shooting was the straw that broke the camel's back.'¹³⁰ Criticism by members referred to the reliability of issued weapons, the difficulty of wearing them concealed in summer dress and the difficulty of drawing a concealed weapon in an emergency.

In fact, the reaction of police to the double shooting was so intense, two special general meetings of the Police Association

were called to permit members to express their views on the subject. Packed and highly emotional meetings decided to form a firearms committee to investigate all aspects of firearms policy and to make recommendations accordingly. The holding of a ballot of members' views concerning firearms was also agreed upon. A matter closely associated with injuries to police was also raised during these meetings — the issue of deterrent penalties for offenders convicted of assaulting police.¹³¹

The police administration, sensing the depth of employee militance on the matter, agreed to a joint Association-departmental committee to conduct the proposed firearm inquiry. It provided every support, including the purchase of eight handguns and ammunition for testing. Eventually, the committee recommended the issue to general duty policy of .357 magnum revolving pistols with four inch barrels. Detectives and women police were recommended to be issued with a similar weapon but with two and one half inch barrels. The handguns were recommended to be carried in an open holster on a belt which also contained a handcuff pouch.¹³² However, government and administration objections were encountered concerning the wearing of unconcealed weapons. This view, of course, posed difficulties for personnel wearing shirtsleeve order during summer months. The Commissioner of Police, a former English Chief Constable, resolutely opposed the wearing of unconcealed firearms. The government also had to take into account public feeling on the subject of armed police. A 1979 survey indicated, predictably, that a majority of South Australians did not favour routine arming of police.¹³³

Several months after the furore caused by the shooting of the two young patrolmen, another event occurred which served to further increase police employee militance and reinforce the view that they received inadequate recompense in their sometimes dangerous job. A young offender, who had shot at and narrowly missed a policeman, when found guilty in the Supreme Court was placed on a good behaviour bond and given a suspended sentence. A petition, signed by some 300 police, called on the Police Association to take action in respect of the matter. In publicly criticising the lack of Crown appeals in South Australia, the Secretary of the Police Association hinted that police resentment was so intense a job action was not an impossibility.¹³⁴ The matter of sentence became a major public controversy. The heat was only taken out

of the situation by the Attorney-General stating that government would legislate to give the Crown a right of appeal against sentence.¹³⁵ The Secretary of the Police Association acknowledged his appreciation of the Attorney's announcement. In point of fact, the promised reform did not occur in the life of the Attorney's government. The succeeding Liberal Government, in 1980, actually introduced the legislation, that is, *Criminal Law Consolidation Act 1980*.

The question of firearm issues and carriage continued to fester for a further 18 months at which time another police officer was shot. In June 1979, a juvenile was placed by a Supreme Court judge on a two year good behaviour bond after having shot a policeman in the stomach.¹³⁶ Not unnaturally, further substantial resentment was expressed by police employees.

Eventually, some two years after the firearms committee completed its recommendations, the decision was made to supply all metropolitan area police officers with the recommended Smith & Wesson .357 magnums, in public view. The decision created massive public debate,¹³⁷ much of which was of an emotional and irrational nature. The considered negative argument was expressed by *The Advertiser* in an editorial entitled 'The Alienating Gun':

The proposal to equip South Australian police on patrol with revolvers which they will wear exposed at the waist is dismaying. It introduces a new and unhappy element to our society. Police representatives argue that the new approach is merely a sensible response to an unhappy development that has already taken place — namely an increased willingness by law-breakers to use firearms. But even if that is conceded for the purpose of the argument, the question arises as to whether this move is a well judged response.¹³⁸

However, South Australian Police Association delegates to the Police Federation conference held in July 1979 claimed that trial use of exposed firearms in Adelaide was well received by the public. The conference endorsed the carrying of firearms by all police.¹³⁹ In any event, just over two and one half years after the two young patrolment were shot at Elizabeth, the department changed its policy in accordance with the wishes of the Police Association and its members.

During September 1977, an Adelaide based reporter on *The Australian* put a number of questions to the South Australian

Premier concerning police Special Branch files.¹⁴⁰ Answers to these questions were provided by the Police Commissioner to the Chief Secretary but on police advice the answers were not provided by the government to the journalist. Subsequently, the matter raised after the journalist concerned had discussed the matter with a parliamentarian, in the Legislative Assembly.¹⁴¹ The government then called for a police response to the parliamentarian's questions. The Commissioner of Police submitted a further report to the Chief Secretary. The Chief Secretary then gave a reply in the House of Assembly which was based on the Commissioner's report.¹⁴²

Two days later, on 3 November 1977, *The Australian* published an article critical of the government's handling of certain aspects of its responsibilities relating to Special Branch. Government members of the House expressed alarm at the newspaper report. For this and no doubt other reasons, cabinet decided to appoint an acting Supreme Court Justice to conduct an inquiry into the control and function of Special Branch operations.¹⁴³

On 21 December 1977, the judge submitted to the government the report of his inquiry into Special Branch records.¹⁴⁴ *Inter alia*, the report found Special Branch maintained surveillance records on selected politicians and union officials, a fact at variance with the Chief Secretary's parliamentary statement. Depending upon how one interprets the Police Commissioner's report to the government, it can be judged elliptical, misleading, false or incomplete, with regard to files maintained on unconvicted persons. At a later date, the Commissioner of Police agreed his report to government was incomplete by design as he considered the Premier not to be a suitable person to receive such information.¹⁴⁵ The Commissioner was then dismissed by the Governor-in-Council on 17 January 1978. He had been offered the option of resigning but had declined on the ground that such an action could be construed as an admission of fault. The Premier claimed the Commissioner of Police had given 'wrong' information to the government which in turn resulted in both parliament and the public being misinformed. In commenting upon the Commissioner's dismissal, the Premier said:

The government has indicated to him that it cannot accept a situation where the Commissioner of Police fails in his duty to give accurate information to specific inquiries of government. ¹⁴⁶

It seems likely the government expected wide public support or at worst apathy at the Commissioner's dismissal. However, public response quickly mobilised in support of the Commissioner, who had an established reputation for integrity, not only at the state level but nationwide. A wide variety of disparate and conflicting forces came into play which kept the affair in the newspaper headlines for more than six months. One of these forces was the Police Association.

The Police Association immediately responded to the Commissioner's dismissal by sending a letter to the Premier in which it stated its belief, the Commissioner had no intention to mislead the government. That same letter expressed every confidence in the dismissed Commissioner while at the same time criticising the 'star chamber' methods employed in his dismissal.¹⁴⁷

The day following the Commissioner's dismissal, a special meeting of the Police Association was held at police headquarters, attended by nearly one half of the department's membership. The meeting passed a motion demanding a Royal Commission into the dismissal of the Commissioner, it being felt such a mechanism would provide the dismissed Commissioner a forum in which he could both contest his firing as well as establish his *bona fides*. After the meeting, the Association's Secretary told reporters the feeling of members was that pressure should be kept on the government 'in any way we can to achieve our objectives'.¹⁴⁸ He added that he thought the likelihood of police industrial action over the issue was unlikely, thereby signalling, to a worried government that at least one further source of massive embarrassment was unlikely. Press reports of the possibility of a police revolution^{149,150,151} were, in light of the Secretary's remark, unwarranted.

The Association's prompt acceptance of the dismissed Commissioner's rapidly appointed successor undoubtedly gave further solace to the government. This move on the part of the Association, more than any other event, must have assured the government of ultimate success. Regardless of any future judgments as to the correctness of the dismissed Police Commissioner's behaviour or the suitability of the government's action, he could not be reinstated once his successor was appointed. Thus, from the outset Association members confined themselves in practice to lamenting the Commissioner's dismissal rather than seriously working for his

reinstatement. Obviously, among some 3,000 members some must have been cognisant of the strategic inadequacy of the Association's position. Most however, seemed to be consumed with emotion. The widespread dislike of many South Australian policemen for the then Premier was a factor contributing to the high level of emotionalism evinced. The Association, whether by design or not, behaved in a manner which despite its professed belief in Commissioner Salisbury's cause, ensured his permanent departure.

The Association formally recorded its dissatisfaction with the Premier and other officials. The Secretary attended a number of public protest meetings to express the Association's viewpoint. More significantly, the Association joined with many other forces in demanding a Royal Commission into the Police Commissioner's dismissal. The Premier steadfastly refused to approve a Commission. The sustained force of public opinion created largely by this refusal resulted in a parliamentary debate on the dismissal. The government, knowing it had the numbers in the House of Assembly, melodramatically announced it would resign if it did not receive a vote of confidence.¹⁵² Four days after the debate, the Premier, in the face of continuing public controversy, reversed his stand agreeing to a Royal Commission.¹⁵³ The precise reasons underpinning the Premier's change of mind are unknown. It seems unlikely he would have undertaken such a course of action if there was any possibility of his being embarrassed thereby. In the event, his judgment was vindicated. The Royal Commission's report, submitted mid 1978, substantially supported the Police Commissioner's dismissal.¹⁵⁴

In terms of the Police Association's impacts on the government in this matter, the Police Association of South Australia chose to exert itself only in supporting the holding of a Royal Commission, in which move it was successful. Even so, the indirect result of that move was to quiet public controversy. The Association chose not to exert greater leverage on the government by either threatening a job action or challenging the appointment of the succeeding Commissioner of Police. Being realistic, there were many other factors operating during a time of considerable confusion. Even so, the Association's leadership never had a better opportunity, given the degree of rank and file emotion prevailing at the time, to achieve its ends. Taking all things into consideration, it appears the opportunity was either deliberately foregone (for whatever reason),

or the strategic realities were not fully appreciated by the Association's executive at the outset. A letter from the dismissed Commissioner was read to members at their special general meeting the day following his firing. In that letter, members were counselled against indulging in job actions.¹⁵⁵ Perhaps he sealed his own fate with such advice.

DISCUSSION

The events described in the preceding pages reveal a good deal of variety across a number of dimensions. Some events were short in duration and intense in nature. Others were more extended and less tension provoking overall. In Queensland, a series of events combined to form a lengthy and intense campaign conducted under circumstances of considerable employee militance. The eastern mainland states clearly showed a greater propensity for determined police employee action. An extremely rough estimate of success, measured in terms of broadly labelled wins, losses and draws resulting from identifiable conflicts, shows a union success rate of about 50 per cent. Such a success rate, recognising the limited efficacy of the criteria employed and bearing in mind no union or Association resorted to the pure bloody mindedness displayed by some radical United States police unions, suggests the bigger Australian police unions can be highly impactful on issues of their own choosing and have achieved significant success without resorting to extremes of action.

Even in this selection which is limited to major police industrial conflicts there is a clear preponderance of disputes based on administrative (in the wider sense of the term) issues. This fact is consistent with the findings of a study of police employee grievances contained in Chapter Six. Promotion procedures clearly show as a reliable source of employee militancy. It is no accident that major employee militance has manifested itself on the topic in the two Forces most wedded in practice to seniority. Policing and law reform, where they affect established expectations and police perceptions of what is publicly desirable, register as areas of only slightly less militance potential. More traditional grievances concerning remuneration and conditions were accorded similar levels of employee concern. Operational matters and disagreements with politicians, while providing some of the more dramatic and

headline catching situations, rated fairly low as sources of industrial conflict or employee relations overall. In fact, insofar as politicians were concerned, such matters were mostly by-products of broader issues. No single category showed as being especially favoured, either by unions or their opponents, as bases for dispute. In a very general sense though, issues which are seen by management as their prerogative can almost be guaranteed to create intense heat should unions decide to pursue them.

There is no evidence to suggest some areas of industrial conflict are more prone to success by unions. As a general rule, it seems unions possess the greatest chance of success when they are genuinely close to a significant job action. Another factor appearing to affect union success was solidarity or cohesion of government. Where governments remained united in whatever stance they first assumed, the greater was their probability of success. Where division in government ranks occurred, that fact was sometimes exploited by unions to their advantage. It also seems probable the solidarity or otherwise of government had a bearing on the degree of employee determination to succeed. On the other hand, the greater the intensity of employee militance, it seemed the greater was the union's ability to 'maintain its rage'. The longer embarrassing publicity concerning a dispute could be maintained, the greater was the chance of government solidarity cracking under the prospect of lost votes. Although the question of proximity of elections was not raised in the events described, it seems reasonable to assume government will be least desirous of engaging in drawn out disputes when elections are close.

The range of opponents combatted by unions in the cases described included departmental hierarchies, essentially Commissioners of Police, with respect to unpopular policies; individual cabinet ministers — principally police ministers; and governments in cases of pay claims. Outcomes ranged from outright and discrete success, for example, removal of a draft statute clause in New South Wales; through stand-offs in which both sides accord the other room for manoeuvre and face-saving, for example, the dispute between the Police Union of Workers, Western Australia and the government concerning the establishment of a Road Traffic Authority; to outright loss, for example, the South Australian government's appeal against an awarded payrise. Although descriptors such as wins and losses possess some gross utility in paint-

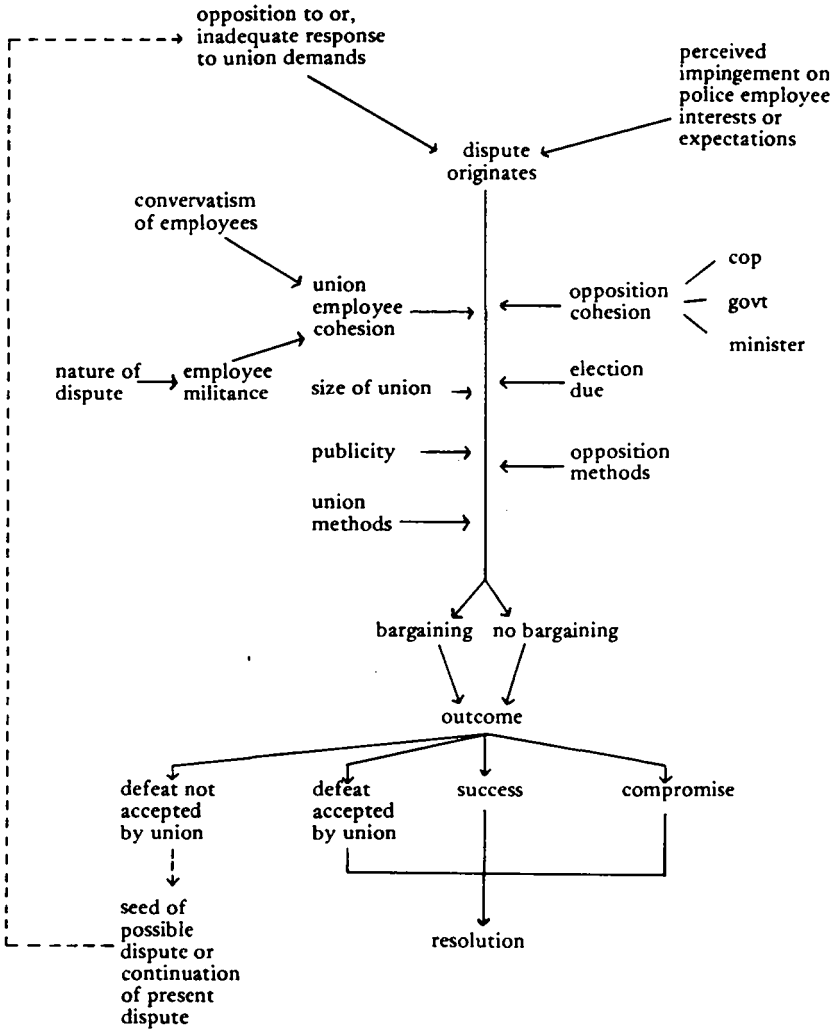
ing a broad picture of police union impacts, they are inadequate to permit understanding of the subtler forms of union influence. For example, although a Police Commissioner may have withstood concentrated union efforts to repeal criteria concerning entry into CIB, for example, the experience may be so traumatic the Commissioner will be unwilling to repeat the tactic should a similar situation present itself at some future time. This unwillingness could, in fact, manifest itself in taking employee demands more carefully into account before promulgating policy in the future. However, such a lesson, even when it has been learned by a particular Commissioner, is lost upon his departure from office. However, the impression exists within some sections of the Police Association of Victoria leadership that such a lesson has been learned by the department's chief officer following his conflict with the Association in respect of CIB entry criteria. In other situations, such as street offences law reform in New South Wales, the government may win a battle but be forced into concessions in order to do so, for example, promise of legal protection in the event of members being charged or sued in matters arising from the new legislation and monitoring and research follow-up. The overall publicity attaching to such union-government disputes, which in large part is generated in the press, can act adversely upon governments even though they may prevail in a dispute as such, for example, not repeal complained of legislation.

Some outcomes are difficult to assess so blurred do they become in the flurry of move and counter move; especially if secret measures are implemented within government to minimise the effects of union moves, so that only the appearance remains. But difficult or not, they generally show that given appropriate circumstances, police unions can be formidable adversaries, especially when they enter the public political arena. This conclusion is consistent with American findings.¹⁵⁶ Factors discussed here are shown at Figure 2 in terms of their influence on dispute settlement outcomes.

In the totality of union-department and other police union based relationships, it may be argued such dramatic results as those discussed in this chapter are not typical. The point as such is true but it is arguably necessary to clearly distinguish between major conflicts such as those described here and the more routine relationships into which police unions enter on a continuing and

FIGURE 2

Factors Affecting Process of Police Dispute Settlement (Excluding Award Matters)



routine basis. In such cases, it is posited, lower level impacts (which are less publicly visible) may be achieved over longer periods. Such matters are dealt with at greater length in Chapter Four. Suffice to record here that the gains in terms and conditions of service obtained by police unions over the last several decades have partly occurred as a result of steady, low key and persistent representations by unions to employers and arbitration tribunals.

Although threats or intimations of strikes by police employees are sufficiently common these days not to be taken too seriously *prima facie*, every government fears a straightforward and sustained withdrawal of labour by police. Thus, where it is evident a strike by a large proportion of members is probable, governments take such intelligence very seriously. A prime case in point was the reaction of the Police Association of Victoria members following the Beach Inquiry; when the Chief Secretary indicated some 50 police officers were to be charged, some criminally and some internally.¹⁵⁷ The demands made by the Police Association of Victoria were approved as palliatives by the government of the day. Some substantial concessions were made in the process including an undertaking not to proceed to trial by means of *ex officio* indictments, as had happened in the case of certain police officers charged several years earlier in the wake of the Kaye Inquiry. That precedent suggested Crown Law authorities may have otherwise considered proceeding by the *ex officio* route again. Arguably, such a procedure reduces the normal legal safeguards available to employees (and citizens). Similarly, with respect to members dealt with by the Police Discipline Board, agreement was obtained from the government that levels of proof to apply in respect of departmental charges would be as for those applying in criminal courts.¹⁵⁸ In addition to these very natural efforts to protect certain of their members from (in the Association's view) being 'railroaded', the Police Association of Victoria also extracted from the Premier an acceptance of Crown liability in respect of the actions of its police officers. This was a substantial concession on the part of government (although the wording of the Premier's concession was vague, to say the least) and could only have been obtained under conditions of extreme duress, that is, fear of a police strike. Had a police strike occurred it would certainly have been widely spread and would seriously have damaged the government's reputation with voters, regardless of

the morality of the circumstances. This was despite the fact that the government had won an election only seven months previously and was thus not routinely required to face an election for at least another two years.

The involvement of police unions in operational matters concerning industrial disturbances is of particular interest. The Police Association of New South Wales has dealt with complaints of union pickets against police violence within Labor Council structures. Although the guidelines agreed upon among the unions was not accepted as binding by the department, the union had nevertheless settled a complaint concerning official police behaviour and resolved an operational dilemma. On at least two other occasions in New South Wales and South Australia, trade union complaints against police have been mediated by police unions. It is not suggested police unions are about to replace management's role but the practice does raise interesting possibilities concerning police self-regulation and which are dealt with at greater length in Chapter Seven.

The relatively small representation of high conflict disputes involving economic issues raises two principal points. First, over the decades economic concerns have been the principal concern of police unions and gradual but substantial gains have created a situation in which economic grievances nowadays mostly relate to wages chasing inflation. Second, resolution procedures existing in respect of award-related grievances are generally more effective, than those utilised in case of non-award grievances, due to guaranteed resolution.

As already noted, larger police unions tend to have more substantial disputes with envioning bodies than do smaller associations. In smaller police departments, social relations among superordinates and subordinates generally tend to be closer and management is less distant from rank and file members. With a stronger social bond, militance is slower to arise. We may, however, be seeing the end of such close relationships in the wake of growing police employee militance generally and tougher negotiating stances by governments, for example, Tasmania. On the other hand, large departments have not only looser social bonds but larger memberships mean more dues and consequently, availability of greater resources to acquire and hire sophisticated industrial resources. Big is beautiful insofar as unions are concerned! Their

resources permit the prosecution of industrial campaigns well beyond the capacity of smaller unions. Neither are politicians unaware of the fact that in the case of large police unions, not only are large numbers of police votes at risk in the case of severe grievances remaining unresolved but so also are those of parents, spouses, freinds, wellwishers, etcetera. It seems possible this realisation played a part in changing the attitude of the Queensland Premier to his Police Commissioner during the period 1975-76.

Clearly, the greater portion of industrial conflict concerning police occurs between unions and either the host department or the relevant government (or members thereof). It is not always possible however, to make a clear distinction between department and government combined. Canny unions in dispute under such circumstances operate where possible, to drive a wedge between the two by either making it politically infeasible for the government to continue opposition or otherwise remove the element of common interest between government and police administration. To use the Queensland example again, the police union after several years concerted effort managed to drive a wedge between the government and the Police Commissioner. Of course, not all disputes see the police union in solitary opposition. On occasions, a union may be aligned (usually covertly) with its host department in opposition to the government. One example of such an alliance is that of Police Union of Workers, Western Australia's opposition to the creation of a Road Traffic Authority. In that dispute, the union with the tacit support of the department, played a significant role in forcing government modification of a major election promise.

The events related earlier in this chapter indicate clear thinking is not always evident in industrial disputes involving police. The decision to make the Police Arts and Sciences Course compulsory for promotion purposes in Queensland was a classic case in point. A failure to think the scheme through fully in the first instance and the subsequent decision to make a pass necessary for promotion purposes were fundamental causes of the long running dispute which ended in the removal of the Police Minister and the resignation of the Police Commissioner. Failure to clearly identify objectives in the first instance can lead to subsequent disaster. The Police Association of South Australia's reaction to the government's dismissal of the Police Commissioner in 1978 is an example

of a police union putting itself, consciously or otherwise, in an essentially 'no win' situation. At best, the Police Association of South Australia served as a cathartic forum for the expression by members of their rage at the government's action. In so doing, the Association probably provided greater assistance to the government it was publicly criticising than to the dismissed Commissioner whom it was professedly supporting. At the same time, it is noted the Premier resigned less than a year after the Royal Commissioner handed down her report on the Commissioner's dismissal. It seems possible the entire public campaign in support of the dismissed Commissioner, of which the Police Association of South Australia's actions were part, played a role in sapping the Premier's desire for office.

SUMMARY

It is apparent police unions possess the capacity to significantly impact host departments and governments, principally in areas of administration. Union success in obstructing and modifying employer initiatives is largely determined by employee determination to pursue an issue. Thus, considerable employee militance is required to ensure success in situations of high conflict. Even when employers successfully resist union opposition, the experience may dampen enthusiasm for further or increased confrontation. Thus, employer initiatives may be inhibited and/or employers may feel constrained to consult more with employee representatives at the formative stages of policy and planning development. On the other hand, there is evidence too to suggest that in the absence of radical union behaviour, administrators and governments can successfully resist police unions, absorbing impacts, such as damaged reputations, compromised policies and terminated careers. Greatest effectiveness is achieved by unions operating outside strictly industrial channels.

Given that economic grievances do not figure high in the list of major police industrial disputes and that compulsory arbitration is available in cases of economic based disputes, it seems probable the provision of compulsory arbitration in respect of all disputes would reduce the incidence of severe industrial disputes concerning matters internal to police departments. The Police Association of Victoria has recommended for some time that the Police

Service Board be authorised to undertake such arbitration. But, in the event of too many arbitration decisions adverse to employees being handed down, employees could lose faith in the arbitral system. On balance, it seem optimal levels of industrial relations will be achieved best by encouraging unhampered collective bargaining; at the same time making reasonable provision for arbitration in those cases where impasse is absolutely unavoidable. In which case, best offer arbitration is most equitable in respect of agencies legally prohibited from striking.

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Chapter 3

Police Employee Morale

During the 1970s, police employee militancy became evident throughout much of the English speaking world, Australia being no exception (See Chapter Two). The phenomenon of police employee militancy is not new. During the latter part of the twentieth century's first quarter, a rash of police 'job actions' occurred, including a number of well publicised strikes, for example 1918 and 1919 in England,¹ 1919 in Boston² and 1923 in Victoria;³ only to die away in the face of official repression of what were then widely perceived as revolts against public authority rather than industrial disputes. Nearly half a century elapsed before the next round of significant police militancy occurred. The start in Montreal in 1969⁴ was followed by numerous strikes in American police departments,^{5,6} as well as others in Canada's eastern provinces.⁷ Job actions and demonstrations of police militance and solidarity occurred also in England^{8,9,10} and Australia.^{11,12} The principal difference between the earlier wave of employee militancy and the latter is that while the former lasted only a few years before subsiding into employee disillusion and apathy¹³ the latter wave has been so far open ended and generally less intense.

Central to this changed view of industrial reality is the realisation by many police employees that passivity is not rewarding and that the days when they will just sit back and accept whatever they are offered by indifferent governments are gone.¹⁴ This changed view has had the result of creating a shift in the balance of employee-employer relations. Although the balance of power has moved slightly away from employers, union officials have found that employee militance has its disadvantages. Militant members are for example, harder to control. They are more irrational and demanding. Employees' frustrations sometimes

generalise to their own union managements. Thus, employee militance poses problems to officials on both sides of the bargaining table. A further by-product of police employee militance lies possibly in lowered levels of service to the public, for example through withdrawal of labour. Not only may the quality of public life be impaired by such deprivation however incurred, but the resultant lessened public respect for police may in turn operate to reduce levels of public cooperation.

Police employee militance may be viewed from a variety of viewpoints. The public may be disadvantaged, police administrators will certainly have their jobs made more difficult and even employees' representatives are not immune from troublesome impacts. More than that though, police employees themselves stand to suffer from the effects of their own militance, for example militancy conduces to a variety of undesirable psychosomatic consequences. In addition, dysfunctions manifested in organisations experiencing employee militancy generally make life unpleasant for those employed therein. In addition to such concerns, important questions of public accountability, democratic control and public welfare, are also closely related to the result of employee militancy. In the light of such considerations, it is not unreasonable to ask what the concept of police employee militance involves. The term is widely employed by lay persons and practitioners alike but apart from the obvious characteristic of combativeness, what is really implied by the term? What is its substance? What are its dimensions? Granted militance exists, how does one live with it and/or reduce it?

The concept of employee militance has received relatively little attention from industrial relations theorists. In the industrial literature the term is sometimes used merely to indicate a willingness to strike.¹⁵ Elsewhere, it is employed interchangeably with other terms such as morale, alienation, stress.¹⁶ Many commentators use the term in its dictionary sense of combativeness. As there is no commonly accepted usage of the term in its industrial application, it is necessary to first explain what is meant in these pages by the term 'employee militance'.

NATURE OF POLICE MILITANCE

In all organisation there is an ongoing, permanent and complex

corporate-psyche state known popularly as morale. Morale varies across time, across individuals and groups of individuals. There is no agreement among theorists as to the concept's validity¹⁷ but in the sense employed here, it comprises the aggregate of those factors determining workers' overall contentedness with their employment.¹⁸

As with all concepts involving combinations of attitudes and behaviour, definition is not simple. A variety of views exist among researchers as to the composition of morale. Frederick Herzberg, *et. al.* for instance, posit two basic categories of determinants of employees' job attitudes, that is morale. The two categories are labelled 'hygiene' factors and 'motivator' factors. Fundamentally, and despite inevitable overlap, hygiene factors, such as supervision and company policy and administration, are claimed primarily to contribute to job dissatisfaction, while motivator factors, such as responsibility and achievement, contribute primarily to job satisfaction. These factors include matters which are directly job related as well as external to the job, such as employees' home lives.¹⁹ In sum, these factors largely determine the degree of workers' morale in any particular organisation. Morale in any given instance, it is suggested, can be equated directly with a point on a continuum ranging from 'satisfied' to 'dissatisfied'.

It is axiomatic that an irreducible level of dissatisfaction exists in all organisations. To assume otherwise would be to accept the possibility of all members of an organisation being ideally selected and assigned and always interacting harmoniously with all other members. In real life, such ideal situations are not achievable. Discontent is part of the human condition, managers and others can hope only to minimise it. In the sense employed here, dissatisfaction is a long-term consideration not given to sudden shifts, although it is capable of altering fundamentally over time. This dimension plays a large part in determining the balance of employer-employee relations. Recent examples of determinants of employee dissatisfaction were the Tasmanian government's policy concerning police house rents²⁰ and the Western Australian government's failure to provide sufficient police personnel to meet employee demands.²¹

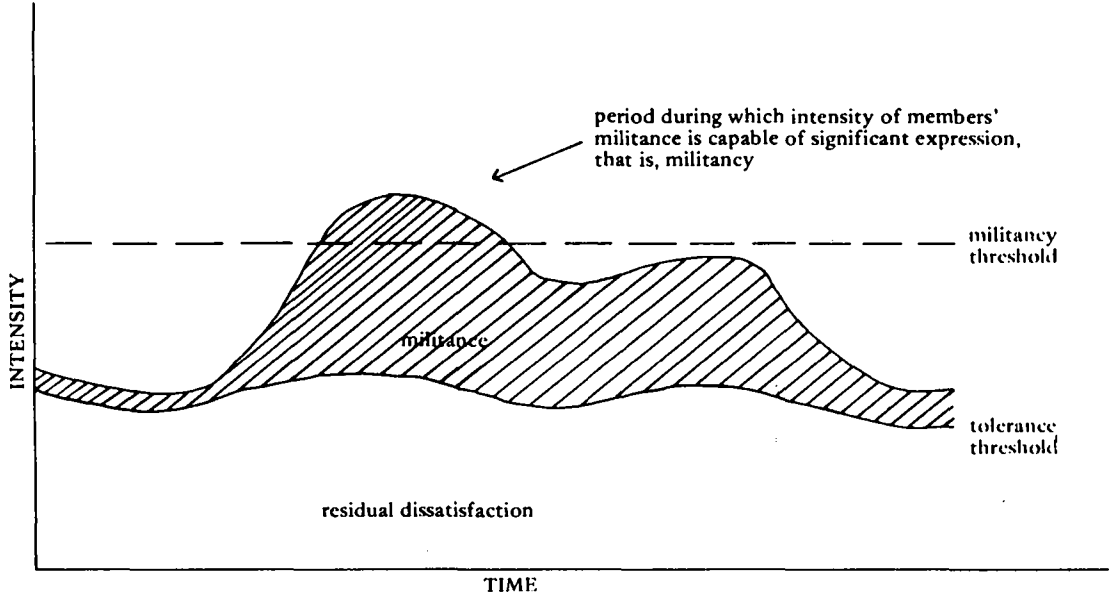
In addition to the residual dissatisfaction component of morale, there is another element which is more variable and is reflective largely of short-term factors. This element is militance

and its posited relationship to residual dissatisfaction is displayed at Figure 3. Militance may be viewed as comprising that component of morale which exists when the collective threshold of employee tolerance is exceeded. Examples of short-term factors conducing to militance include unsatisfactory pay offers, reaction to unpopular legislation and victimisation of members (see Chapter Two). Militance, if permitted to achieve high intensity, may manifest itself in militancy, that is the significant behavioural expression of militance.

Following this line of admittedly unvalidated reasoning it seems reasonable to assume that the greater the level of residual dissatisfaction existing within an organisation, the greater the likelihood of militance developing. Conversely, when residual dissatisfaction levels are well below the threshold of collective tolerance, some leeway should exist before militance becomes manifest. There are however, also qualitative considerations to be considered. Certain events, by virtue of their high emotional impact, may have the effect of galvanising even a largely contented body of police. Prime examples of employees manifesting immediate outrage have occurred in South Australia in recent years. One such occurrence concerned the shooting of two members attending a 'domestic' in March 1977, see Chapter Two. Given that both members were armed, employee anger was displaced to factors such as the model and effectiveness of issued firearms, and policy concerning their distribution.²² The second example concerned the firing of Commissioner Harold Salisbury in February 1978, for doing his duty in a manner perceived by almost every policeman in that state as being strictly honourable.²³

Militance is not necessarily a matter of reaction, it is also a matter of expectation. And just to make explanation a little more difficult, it is observed that militance arising from either expectation or reaction can be interrelated. For example, in April 1980, mass meetings of the Police Association of New South Wales members were held in Sydney, Wagga Wagga, Grafton and Dubbo,²⁴ following an unacceptable pay award of 7.5 per cent by the Industrial Commission the previous December.²⁵ The award was clearly unacceptable to members from the outset and was appealed by the Association to the Commission's Full Bench. Considerable resentment became evident among the union's membership at the smallness of the awarded increase, especially in the light of substantial

FIGURE 3
Posited Structure of Morale



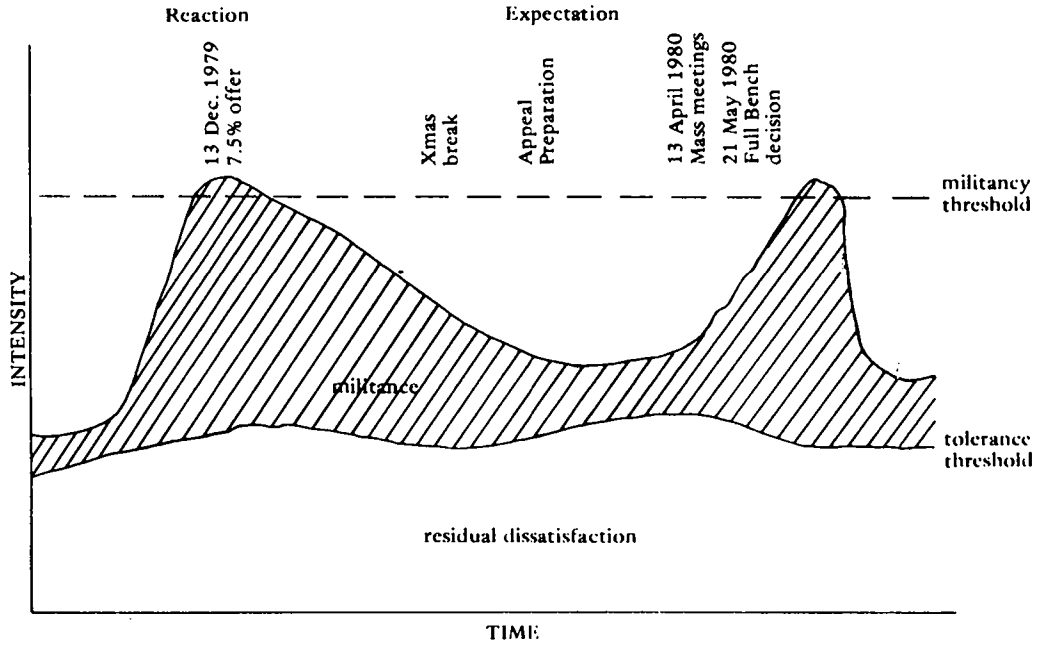
wage gains made shortly before by striking prison officers. The fact that police officers, who had previously maintained security in gaols deserted by striking custodial officers, were expected to lose their relativity *vis a vis* those same prison officers was too much for members generally to accept. Employees generally felt the Police Association of New South Wales' appeal to the Full Bench would have to result in an improved award determination and members apparently became militant in expectation of a satisfactory determination. This reaction, or rather this element of the reaction, highlights two interesting points. First, governments have to balance political pragmatism with economic equity when determining employees' terms and conditions of service, that is a classic just deserts *versus* utilitarian decision. Second, once militance occurs to any significant degree, it may be compounded by indirect factors some of which may be quite external to a particular occupation. Indirect factors contributing to the generalised employee discontent underpinning employee militance in this case included promotions, staff appraisals and the government's new street offences legislation — such factors all coexisting with the award claim and its disposition.

Although the meetings referred to above were convened by the Police Association of New South Wales with the intention of displaying employee disapproval with the pay rise awarded and was in that sense 'managed', the number of members who attended (almost one half of the entire Force) and the intensity of the disapproval exhibited at those meetings provided ample evidence of genuine employee militance. The Industrial Commission apparently took the hint, the reconsidered determination being almost double the original. Once the Full Bench decision was announced, militance levels quickly decreased. It is suggested the rise and fall of the Police Department of South Australia employee militance in the wake of Harold Salisbury's dismissal was the mirror image of the militance exhibited by the Police Department of New South Wales employees in this instance. The former being quick to rise and slow to fade, the latter being slower to grow and quicker to fall. The relative states are presented in Figure 4.

The impression gained over the last decade in mainland police forces is that upper levels of residual dissatisfaction have increased overall, that is members are becoming less tolerant of unsatisfactory conditions and events. This decreased tolerance seems not only

FIGURE 4

Posited Forms of Employee Reaction and Expectation



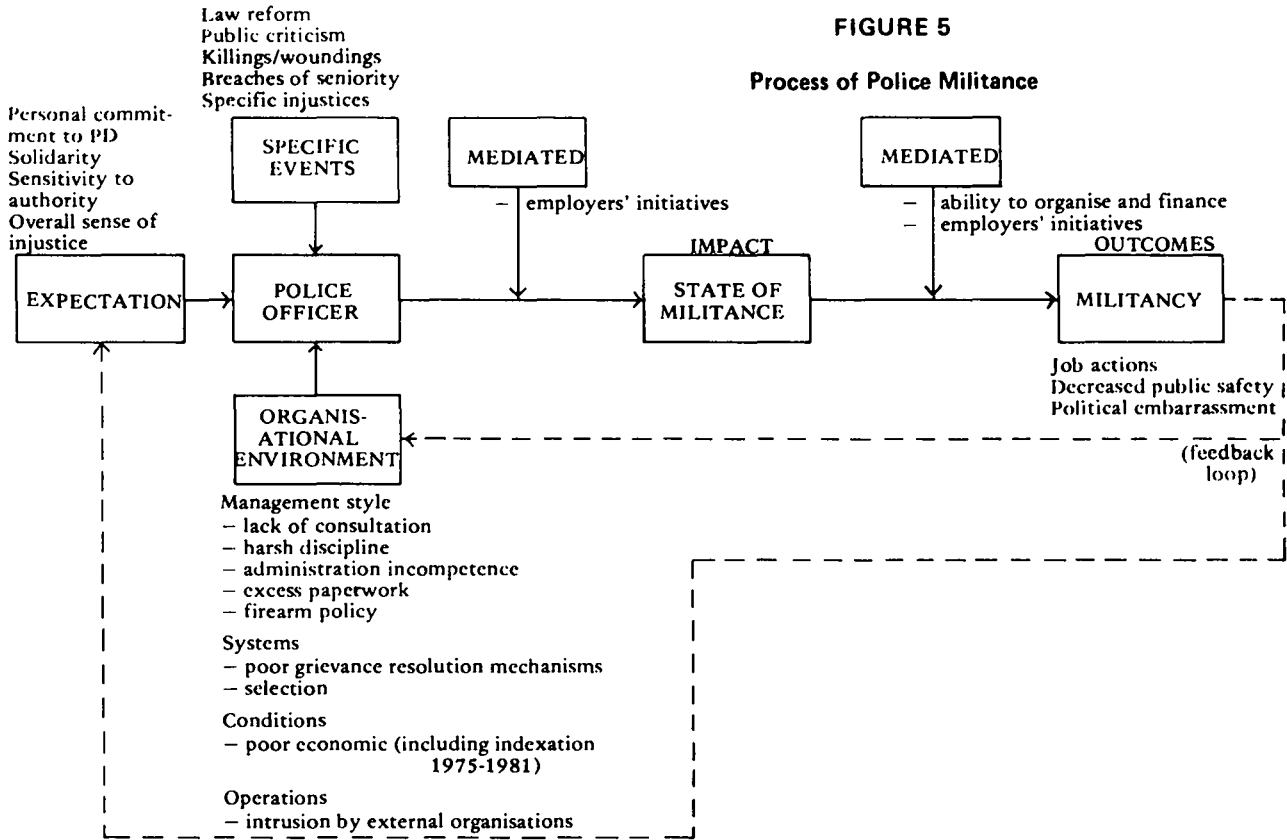
due to increases in residual dissatisfaction *per se*, but also to the fact that outbursts of militance do not necessarily subside quickly once the stimulus is removed. It would seem the curve of decline is gradual (subject to individual variation), and should other negative stimuli occur before a declining curve has extinguished, the level of intensity resulting (all things being equal) would then be higher than might otherwise have been the case. The effect of an increased frequency of events incurring employee wrath it seems, has been to increase residual dissatisfaction levels generally.

There is no way at present to adequately measure dimensions of residual dissatisfaction and militance, that is morale. In 1976, the Australian Institute of Criminology offered to develop a police employee satisfaction scale for the Commissioners' Conference. The offer was rejected and the opportunity unfortunately lost. Such a scale, applied periodically at times of employee quiescence as well as militance, would have had the potential to provide both management and unions with useful measures of employee morale. Police unions on the other hand, have demonstrated greater willingness to employ the social sciences to their advantage in the industrial arena. It is that innovativeness which has helped shift the balance of power away from the employers toward the unions.

Although residual dissatisfaction is an important factor in personnel management, understanding of the militance component of morale is as crucial to union officials as it is to managers at all levels. Dissatisfaction alone is manageable, militance is not so simply countered. Should employees exceed the collective tolerance threshold, a state of militance exists by definition. The development of such a state may be mediated by considerations of group solidarity, commitment to the organisation, the degree of perceived injustice experienced and union initiatives. A state of militance may result in expressions of overt militancy, for example job actions, should employer or union counter initiatives be insufficient, see Figure 5. The capacity of employees to indulge in acts of overt militancy is substantially determined by their ability to effectively organise as well as finance their actions. In both these regards the larger police unions are constantly improving their respective capacities. Regardless of the consequences of militancy, one inevitable legacy is readjusted employee perceptions of the organisational environment. Once the first job action is performed, the second is never as daunting. Obviously, proactive

FIGURE 5

Process of Police Militance



measures are preferable to reaction but in the aftermath of employee militancy, management is well advised to ameliorate the organisational atmosphere. Although this advice sounds both simple and obvious, such management initiatives are rare. It is appreciated amelioration may on occasions involve 'hard nosed' actions, such as dismissals.

Those factors directly capable of inducing employee militance are classifiable as; (1) expectations; (2) organisational environment; and (3) critical events. The expectations category concerns individual personalities, personal ethics, commitment to the organisation, sensitivity to authority, etcetera. Such considerations are influenced in the short-term by peer pressure. Organisational environments include those short range factors predisposing members to behave in particular ways. They mostly emphasise perceived employer shortcomings and include sub-categories, such as; (1) management style; (2) system; (3) conditions; and (4) operations. A number of examples are provided at Figure 5, but there are many others. The critical events category incorporates those sorts of experiences which may precipitate or trigger extreme employee reaction, especially when they are basically dissatisfied to start with. A prime example of this type of factor occurred in the lead-up to the Victoria police strike of 1923. The ostensible determinant of the strike was the Commissioner's use of plain clothes supervisors to maintain surveillance of uniformed personnel. The resulting Royal Commission found clear evidence that the primary determinant underlying the strike was anxiety among many members concerning their lack of superannuation cover.²⁶ Of the more than 600 members who went on strike only two were superannuable.²⁷ Other examples include law reform, public criticism, killings of police, breaches of seniority, and specific injustices. All these examples have been responsible for triggering employee militance in one police force or another, at one time or another. Equally, they are all experienced at other times without leading to excessive reactions. The relevance of predisposing factors, that is residual dissatisfaction, is highlighted by this observation.

IMPLICATIONS FOR EMPLOYERS

Employee militance poses serious problems for police administrators. Some problems stem from the structural bind in which

administrators find themselves. Organised on lines not necessarily best suited to modern policing, chief officers are obliged to conduct their agencies according to what is arguably a modified military model but without supporting concomitants such as severe and comprehensive disciplinary powers, 24 hour control of all aspects of employees' lives and traditional employee commitment to an authoritarian ethos. For large military units to be run effectively, such supporting structures, formal and informal are essential. Police administrators are not so positioned. To a certain extent then, police administrators are expected to do a job without access to all the necessary tools. For example, police administrators as a result of tradition, have inherited watered down versions of military disciplinary codes without the coercive powers of punishment of military commanding and general officers to ensure their effectiveness. Moreover, the need of military services for relatively harsh disciplinary systems is lacking in the modern police service. Thus, the basic rationale which underlies the police disciplinary codes is inappropriate.

Allied to this problem is an apparently growing permissive ethos of many younger persons in the community opposed to established levels of personal and public discipline. Police recruits are products of that same society and although partially conditioned during portal training, are nevertheless, increasingly less susceptible to traditional police supervisory and disciplinary practices as the years pass. When compared with the relatively lenient sanctions applied to public service clerks for example, police employees' objections seem not unreasonable. Younger employees, by virtue of their lesser commitment to and dependence upon their employing institutions, as well as their emotional limitations, are more likely to be militant. Present disciplinary codes and styles do nothing to ease this situation. For example, a 1974 study of the Police Association of South Australian members revealed a near perfect positive correlation between age and willingness to strike. Given that in all probability the expectations of younger members are changing faster than the present capacity of administrators and management generally, to adapt the potential for generational conflict within police organisations is an important consideration.

The issue possesses several important facets which are expressed here as queries:

- Do current police disciplinary practices conduce to militance?
- Are current police disciplinary practices of relevance in industrial disputes?
- Do police disciplinary codes have to be provided within legislation?

As suggested previously, there are anomalies in the structure and process of police agencies. Disciplinary codes, in the British tradition at least, are based on the formal view that police employees exercise little discretion — that they need to operate under the control of a large echelon of supervisors. This view does not reflect reality. Many police employees, for example patrol officers and detectives, exercise wide and substantial levels of autonomy in the workplace. They exercise the discretion for example, whether to apply force to citizens and whether to deprive citizens of their liberty. Such situations do not always involve great complexity of decision-making (although they sometimes do) but they nevertheless involve the exercise of some of the most coercive powers available to public officials. On the other hand, those same employees may be treated as irresponsible subordinates should they have an accident with a departmental vehicle. These two levels of status are clearly inconsistent. On the one hand, an employee is required to exercise substantial and independent authority and on the other, he is treated as a person possessing very limited competence.

Police union secretaries are frequently approached for advice by members facing disciplinary action, mostly trivial matters unlikely to cause any reaction at all in the clerical branches of the various government services. Some departments are more zealous than others in prosecuting employees for disciplinary code infractions of this type but in all states the intensity of employee resentment in such cases is considerable and an important long-term contribution to residual employee dissatisfaction. The matter is not always one-sided of course. Some employees insist on exercising greater levels of autonomy than they are capable of responsibly exercising. Thus, while insisting on immunity from so-called 'pinpricking' disciplinary charges, they may consistently fail to perform their job satisfactorily, for example always being in arrears with correspondence or failing to comply with orders. Employees

are unlikely to complain about such matters and generally speaking, union executives do not raise the issue of employees' responsibilities (as opposed to rights) sufficiently often. Despite these qualifications, administrators need fundamentally to review disciplinary codes in the light of changing social circumstances and employee expectations. Reform should be implemented wherever reasonably indicated. Such a review necessarily involves a comprehensive examination of policing and administrative styles, an undertaking not only long overdue in most departments but difficult to perform.

In the absence of conditions of service and management styles being tied more closely to the demands of both the job and the wants (if not needs) of members, what does the future hold? In at least two states, Victoria^{28,29} and Western Australia,³⁰ some police employees have technically and formally either stopped work or refused to work overtime in recent times. In Queensland, a brief informal go slow by some members has occurred. Further job actions seem inevitable. It is doubtful all members of any one police force would strike but there are significant numbers of younger employees who, given sufficient provocation and leadership will strike. That day may be closer than many administrators realise. In the event of formal police strikes, one wonders what will be the reactions of governments? Will striking police employees be treated like thousands of other Australian workers who indulge in illegal strikes but who are not proceeded against, or will they be prosecuted under police regulations? In the past, authorities have taken a firm and repressive line against striking police. For example, of the more than 600 police fired as a result of the 1923 Victorian police strike, none were rehired.³¹ The same policy was followed in the wake of the English police strikes of 1919.³² Will a similar line be taken in the event of future police strikes? Governments would find it difficult to do so in the light of precedents provided by prison officers, firefighters and ambulance personnel, all of whom in one state or another have withdrawn their labour in recent times without being legally proceeded against.

Many citizens and police employees alike view the possibility of a police strike with something approaching horror. Certainly, such an event would be highly undesirable. And yet, relatively little other than outright prohibition is done by the various police authorities to reduce the probability of a strike. One possible

option for governments would be to create an essential services industrial classification. Ideally, employee groups would enter such a classification voluntarily. Once so classified for specified periods, strike action would incur substantial personal penalties by law. Compensating advantages of membership in such a special industrial category should include compensatory conditions,³³ including a 'non-strike allowance'. The prohibition of labour withdrawal places employees so embargoed at a massive disadvantage at the bargaining table. Thus, additional grievance resolution provisions should be provided them. Police employees, for example are precluded from appealing most management prerogatives. For police employees to voluntarily enter an essential services non-strike classification, management would probably have to make some concessions in return.

A further concession that might be considered in respect of police employees being voluntarily placed in an essential services category could include non-economic issues being placed within awards. An obvious example in this regard is an employee complaints procedure. Most if not all, departments have a policy that complaints must be pursued through 'channels'. But what happens when channels do not work? The substantial number of employee complaints taken to Police Associations (see Chapter Six), provides convincing evidence that going through departmental channels is not entirely acceptable to members. It is appreciated there are other motivations for taking grievances to a union rather than the department, such as lack of confidence in a particular superordinate through whom a complaint must pass. Also of course, employees may — whether justifiably or not — fear reprisals such as an unwanted posting or a poor annual rating.

Even so, there is an assumption in all hierarchies, police being no exception, that negligence and incompetence occur only among those employers at the workplace. Has there ever been a superintendent charged with administrative incompetence? What about the detective inspector or detective sergeant whose specialist squad is corrupt? When 'spotters fees' from tow-truck operators periodically become an issue, are station commanders who have permitted the atmosphere of permissiveness in which such payments become acceptable also dealt with in the same way as those who actually accept payments? Subordinate employees are well aware of numerous and in some instances massive inequities of this nature.

They are also aware that the bringing of errors or abuses to the attention of their superordinates is not always appreciated. Detective Sergeant Phillip Arantz encountered a classic example of high level resistance to unpalatable matters being brought to official notice. When in 1971, he pointed out to the Commissioner of Police in New South Wales that published crime statistics were inaccurate, his advice was rejected. A person of great personal integrity, Arantz felt compelled to make public the true state of affairs.³⁴ Not only was he dismissed from the service for informing the press of the inaccuracy of official statements, but he was escorted to a psychiatric hospital in what was surely one of the most bizarre episodes in the history of the Police Department of New South Wales.³⁵

Special departmental procedures should be designed to cater for formal employee grievances. No police department in Australia possesses such sophisticated procedures, let alone being amenable to making them subject to bargaining and placed in an industrial award. Similar comments can be made with reference to disciplinary codes. Examples of such provisions lie not within the British tradition, but rather within the American, and even there complaints procedures tend to be restricted to matters pertaining to the award, contract, or memorandum of understanding. San Francisco Police Department for instance, has a five step complaints system in its industrial agreement. It ranges from step No. 1 – verbal complaint directed to a supervisor, through step No. 5 which involves final and binding arbitration.³⁶ Such processes are not conducive to the dilution of the authority of police employers, far from it. They do however, serve to democratise personnel processes where appropriate; which not only represents long-term benefits for administrators but is well suited to organisational development. More importantly in the short-term, such measures by improving organisational equity could do much to reduce employee residual dissatisfaction and the likelihood of radical industrial action.

A particular danger attaching to liberalising disciplinary philosophies in police agencies (especially too rapidly) lies in the possibility of reduced effectiveness. For instance, if it were considered necessary for an association representative to be present when a member is verbally reprimanded by a supervisor, as happens in some American municipal police departments,³⁷ street oper-

ations could suffer considerably. Alternatively, discipline could decrease due to supervisors being unwilling to impair operations in the cause of discipline. Liberalisation must not imply relaxation of operational standards. It is more a matter of easing the traditional emphasis placed by administrators on negative reinforcement and preferably, emphasising positive means. Through these means it is intended that standards improve rather than decrease. Certainly, less than encouraging results can be expected in the short-term but it is nevertheless time police administrators started to experiment in this field. There is ample scope for research along these lines as police territorial divisions lend themselves ideally to the testing of pilot programs on a comparative basis.

IMPLICATIONS FOR EMPLOYEES

From all employee viewpoints, high levels of rank and file militance are undesirable. The significant levels of personal distress to which police officers are subjected in the normal course of their occupation have been well reported elsewhere.^{38,39,40} Militance implies extended arousal of the endocrine system. Such arousal over extended periods results in an array of psychosomatic conditions ranging from hay fever through hypertension and gastric ulceration to, in extreme cases, depressive stupor. In other words, militance means individual penalties in terms of excessive physical and emotional strains. Paradoxically, militance in extreme cases – and for short periods – may result in a stimulating euphoria but in the long haul physical sickness, depression and loss of motivation result. Associated with these conditions are alienation, frustration and retreat. Although the low morale generally (but not exclusively) associated with high militance is not necessarily associated with reduced productivity, such may be the case.⁴¹ However, manifestations of militance permit supervisors and middle managers the opportunity to diagnose the problems inherent in the condition. Oral expressions of dissatisfaction by employees are particularly valuable. First, it probably means the member still cares, a good thing for a manager to know! Second, a basis for diagnosis is thereby presented, always remembering that what is perceived as being real by the member is real for him regardless of the objective facts of the case. More than that, it should be remembered the language of workers is not necessarily that of management. Thus, a

criticism concerning a particular piece of equipment may be translated to say that the introduction and training accorded members concerning that equipment was inadequate.

Effective personnel branches do not wait for members with problems to approach them, they go out and (directly or indirectly) identify broad spectrum complaints and operate to resolve them. The same principle should be applied to the wellbeing of individual employees. Just as management should be quick to identify low morale members and learn from them, so too should it be prepared to help them by means of human support services where appropriate. The implementation of a caring approach by management as a form of employee protection, especially in the face of exhibitions of employee ingratitude, would be anathema to many older administrators. But administrators of the future, given the limited success of employee management practices of the past, must utilise a far wider range of expertise and act to conserve and develop valuable human resources. Organisations willing to surface low morale and respond to it, ultimately improve their morale, organisational climate, and hopefully effectiveness.⁴²

Substantial levels of employee militance left unresolved are a stimulus to employee organisation. Police associations and unions were mostly formed during periods of severe employee discontent. Pragmatic police administrators may well reflect upon the strong correlation existing between membership interest in union affairs and militance. As previously mentioned, a militant association membership can also pose problems for its own leadership, for example aggression displacement, as happened in New South Wales in 1979. At that time, rank and file police employees were concerned with the Industrial Commission's pay determination, the ensuing bargaining in pursuit of an appeal and in addition, the government's reform of street laws. Sentiments critical of the Police Association's leadership were expressed among members at Newcastle and Parramatta.⁴³ On 21 October, a well attended meeting was held at Redfern Oval in Sydney.⁴⁴ An agenda was prepared by the organising committee which provided for expressions of member concern on a range of issues. But the overall tenor of the meeting was one of criticism of the Association's leadership. Some satisfaction was expressed in police headquarters at the prospect of division within the Association's ranks. Evidently, some administrators felt discord within employee ranks would result in

diminished Association effectiveness. The result was of course, quite the opposite. To restore credibility with its membership, the Association's executive, albeit unconsciously, felt obliged to be more 'hard nosed' than otherwise would have been the case — both in relation to arbitration and its opposition to the new street laws. Both these reactions provided substantial additional work for police administrators and the government. A secure and unified Association would most probably not have felt compelled to respond so vigorously.

MANAGING MILITANCE

There are two fundamental points to consider in the management of police employee militance. Point number one concerns short-term coping. The second point relates to the longer term view in which residual dissatisfaction is addressed. It is axiomatic from both viewpoints that industrial harmony should be accorded high priority by unions and departments alike. It is odd indeed that all police departments (although to varying degrees), fail to sufficiently emphasise this important facet of personnel administration. No single approach is best. Permutations of initiatives which are best suited to particular jurisdictions at particular times should be adopted. But as a general operating principle, honesty and frankness are essential if trust is to ensue. Once the ability to achieve industrial accord internally is lost, the Public Service Board and Treasury become directly involved and the probability of a trusting relationship being achieved immediately decreases. It is emphasised that good union-department relations are possible and should be considered the ideal, provided the relationship is honourable in respect of both parties.

Events sometimes occur which are beyond the control of a department, such as government's decision to appeal a pay rise awarded by an Industrial Commission and can savagely impair employee morale. The South Australian government took such a course late in 1974 which galvanised police employees and resulted in the largest police employee protest meeting held in that state since the 1918 threat by employees to resign *en masse*. Certainly, all workers are highly conscious of their remuneration and stand to become militant if they see themselves being financially disadvantaged in ways seen as unreasonable. This sensitivity to

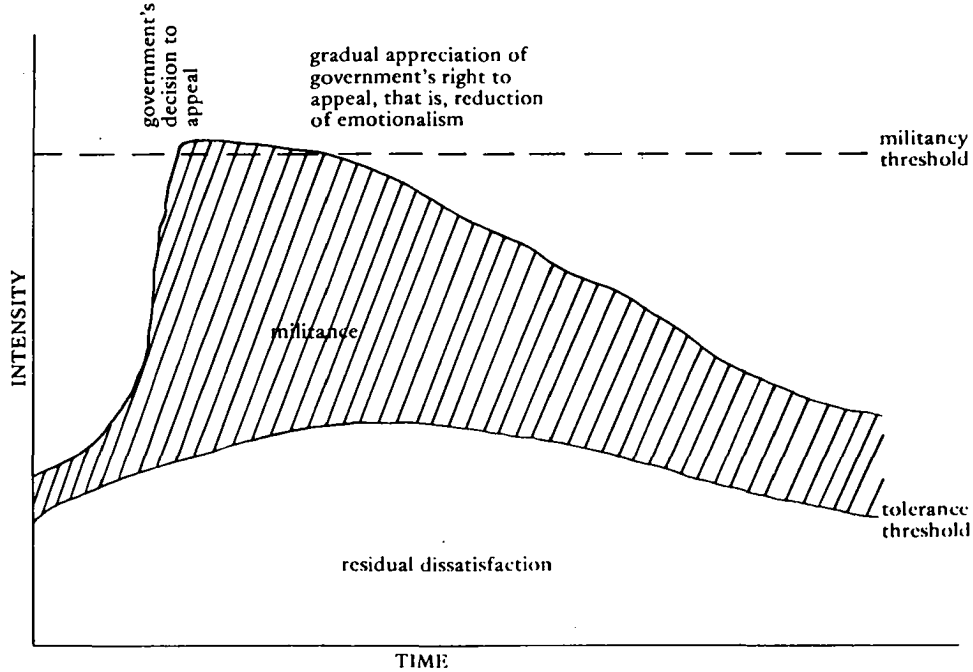
economic disadvantage reflects a broadbased sentiment that requires special consideration. The nature of the police job and its importance to society and good government, generally warrants a fair deal in return, the fair deal being essentially economic in nature as the police service has always received less than its fair share of public recognition.

In addition, the sensitivity to economic reward derives from the realisation that police employees occupy a disadvantageous bargaining position at the industrial table (due to proscriptions on taking job actions). The South Australian government's action in 1974 was seen by members as being unreasonable on all the above grounds and a high level of militance developed almost instantly. An appreciation of the government's legal right to do what it did (combined with union management's steadying leadership), once the first rush of emotion subsided, ensured that no militancy – other than heated meetings of members and expressions of disgust vented thereat – ensued. But the slowly declining curve of militance which was evident to observers (see Figure 6) must have ensured a lower than normal level of morale for a long time.

A byproduct of such situations is that states of high militance, while not necessarily leading to overt acts of militancy such as stop works, sick outs or strikes etcetera, almost certainly affect the quality of employee performance. It would be of great interest to know the rate of supervisors' reprimands, sick days, lower quality than usual arrests and incidents of displaced hostility in respect of colleagues and public alike in the weeks following the South Australian government's decision to appeal the pay award. Certainly, the department's general social environment would have deteriorated in quality for a period while tension, frustration and anxiety were coped with. Of particular interest was the fact that it was the Police Association's officials who acted principally to control and divert members' anger. Management other than being available for consultation with Association officials, did little or nothing in terms of managing militancy or otherwise exercising direction. Management was of course, in a difficult position as the issue involved a decision of government. No doubt the decision to leave the channeling of members' immediate frustrations to the Police Association of South Australian officials was deliberate. It was nevertheless a pragmatic move in which a degree of formal authority was abdicated.

FIGURE 6

Posited Morale Situation Following South Australian Government's Decision to Appeal Police Pay Rise, 1974



Action the opposite of the Police Department of South Australian administration's occurred in 1976, when Victorian police conducted a 'work to rule'. There seemed initially a very real possibility of a police strike following the Chief Secretary's statement that 55 police officers were to be charged. The Chief Commissioner went before an emotionally charged Association meeting and counselled employees not to strike.⁴⁵ While it cannot be substantiated that his appeal influenced the meeting's work to rule decision (as opposed to striking), the possibility is strong. That occasion also involved employee reaction to a decision of government but the Chief Commissioner nevertheless appeared before an assembly of employees and counselled them without criticising the government. The important point for administrators to bear in mind is that where there is a vacuum in official police leadership, police unions – or other groups of employees – will necessarily act to fill the vacuum.⁴⁶

It should by now be clear that police managements, indeed governments, should possess a coherent strategy for the management of police employee militancy; to the extent of prepared contingency plans. The development of strategies for containing and ameliorating police militance and militancy in both the long and short-term present personnel administrators with challenging and interesting problems. One long-term employee oriented approach, proposed by William Smith (a former chief police officer in the United States), and Drexel Sprecher⁴⁷ involves six separate initiatives. These are:

- conduct a meaningful problem census;
- make conflict management a continuing objective;
- provide better means for members to express their feelings and make suggestions;
- encourage greater participation in departmental decision-making;
- clarify policy and professional requirements; and
- encourage employees to develop themselves.

Such an approach requires administrators to have some understanding of where their department is going and how, so as to provide the necessary conceptual framework. The Police Depart-

ment of South Australia is in fact, a good example of a department which attempts to understand its own future and has developed its forward planning to a sophisticated degree. Without such broad understanding, management tends to be *ad hoc* and *ad hoc* decisions are those which in aggregate (due to the inconsistencies which inevitably occur) conduce to employee dissatisfaction. The second point is related to the first, in that the various initiatives simply amount to good management practice. If management is competent across all dimensions, dissatisfaction (by definition) will decrease to a minimum.⁴⁸

With regard to a problem identification program a variety of approaches may be employed ranging from in-depth surveys, through problem solving workshops to special staff conferences. Such methods can be used either singly or in combination. Above all, administrators' desire to learn must be strong and unpleasant results honestly confronted. The conscious identification of problem areas does not of itself ensure solutions but it does give administrators at least a better understanding of the nature of problems to be tackled.

Traditional views on conflict management within police departments are at best inclined to be simplistic and at worst, compound dissatisfaction. Managers need to draw on a variety of sources in handling conflict, especially in the area of industrial psychology. It is absolutely necessary to establish clearly the will of a department to tackle problems. If that is not done, whatever other initiatives are attempted, management will lack credibility. Problems vary greatly in terms of complexity, seriousness and levels of abstraction. Some relate to defects of grand policy while others relate to localised behaviour. For instance, a survey of police departmental problems conducted throughout Australia in 1977, indicated a lack of clear definition of police goals and functions was widely considered a major problem in the service. That same survey also indicated reporting procedures generally were also considered unsatisfactory.⁴⁹ The crux of concern with reporting lies in part with members' perceptions of excessive paperwork. This perception is borne out by a survey of police employee attitudes in South Australia during 1974. Excessive paperwork was shown by respondents to be second only to pay as a cause for employee dissatisfaction. In subsequent years, it is noted that the Police Department of South Australia has paid

considerable attention to rationalising its reporting procedures with special regard to labour conservation and computer compatibility. Any police administrator wishing to establish his *bona fides* with employees with respect to problem resolution would achieve immediate status by making sincere efforts to reduce 'paperwork'.

There is an old adage in police training circles to the effect that the moment an instructor starts duty at the academy, he is immediately out of touch with what is going on in the field, and is therefore unsuited to be an instructor. The same can be said of administrators. Once removed from operational concerns, layers of executives and personnel staff build up between them and field workers. Communication is impaired as 'screening' inevitably occurs. The results of impaired communication encourage rumors to abound and goodwill decreases. Keeping goodwill alive and channels of communication open is possible. Generally, police unions perform an important function in this regard. In so doing, they perform a great service to their host departments, although the fact is often not appreciated by harassed and overworked police administrators.

The actual techniques of improving channels of information, that is creating an atmosphere suited to encouraging employee awareness and expression, are numerous and by no means restricted to suggestion boxes, retreats, rap sessions and newsletters — although all such measures have their place. A range of innovative programs are possible, all of which possess potential to encourage mutual respect and support between all levels of an organisation. Essential in this respect is the preparedness of administrators to implement imaginative feedback systems within their agencies.⁵⁰ Such systems naturally require fine-tuning from time to time.⁵¹ The abilities of industrial administrators and managers need to be borne in mind when so doing. If approved processes are inconsistent with the capacities of employees, then they should not be implemented. 'Horses for courses', as one well known police administrator expressively puts it.

One of the major impressions gained from Chapter Six is the distance many police administrators place between themselves and employees. Some distancing is inevitable in any large body of people but it can be minimised. If leadership is to be effective distancing has to be minimised. Friction is least in those organisations in which subordinates and superordinates most closely

identify with each other. Leadership is the key to creating a responsive organisation. While not neglecting to lead, leaders should not hesitate to ask 'how do we best get where we are going?'⁵² To do that, distance has to be reduced by opening channels. Especially, distance can be reduced by involvement of members in local decision-making. Participation in decision-making, if skilfully performed, permits at least some employees to identify with official decisions as opposed to the routine resentment or apathy with which alienated and frustrated employees often greet new developments. At a broader level, it makes sense to have committees drawn from all echelons of the organisation to investigate specific issues, for example women in policing or appraisal system review. The Police Department of New South Wales in fact employed joint committees to consider both such topics. Naturally, wide membership involvement is not possible in deliberating specific matters and it is necessary participants have something to offer, whether it be expertise or an accurate reflection of relevant employee needs and/or sentiments. By such means there is a greater probability of producing results acceptable to employees than if the decisions had been made solely by administrators in the rarefied atmosphere of their executive suites.

One of the most frustrating experiences a police officer encounters is role conflict. Role conflict has been identified in much of the stress literature as a potent stressor.^{53,54,55} It is true not all factors conducing to role conflict are within the control of police managers and in any case, conflict is built into the very essence of police operations. But even so, much can be done within police organisations to reduce the problem. At one extreme, especially before disciplinary tribunals, employees are condemned for not scrupulously complying with regulations. At the other, drivers wishing to give their patrol vehicles prescribed checks at change of shift are harassed by supervisors, shift inspectors and despatchers for not 'getting on air' quickly enough. Strict compliance with Judges Rules, laws of evidence etcetera, are insisted on by top management and the courts but aspirants for entry, for example, to certain CIB squads in some police forces will know they have to be willing to 'cut corners' to stand any chance of selection. Another common example of role conflict concerns the professionalism of field officers. Required by law to act as professionals and accept personal responsibility in respect of a range

of activities, policemen are supervised by non-commissioned officers and junior commissioned officers who often assume and enforce marked superordinate-subordinate relations. Conflicts of this nature abound in the police service and are far from completely soluble given present structures. The time is, and has been for some years, appropriate for a review by the various agencies of their policing philosophies, roles, management styles and operational priorities so as to ensure the best possible fit between members' expectations and practice. A basic proposition exists in this respect, to quote F.E. Katz, 'that for any form of social control there exists specifiable forms of autonomy for those who are being controlled.'⁵⁶ Police authorities have never clearly specified the degree of individual autonomy of subordinate ranks, thus the great conflict which exists.

Any review of police structures, styles, etcetera, whether attempted by administrators, unions, or other groupings, needs to consider the personal and career development of individual officers. More than that, police administrations should encourage self-development within supportive organisational environments. Implicit in such a recommendation are not only measures such as travelling scholarships and free places at universities but also enlightened personnel practices. These include career path planning, greatly increased in-service training, special assignments designed to stimulate and challenge appropriate members⁵⁷ and increased autonomy through job restructuring. It is noted that the Police Department of South Australia has started to seriously develop an understanding of junior employee wants.⁵⁸ Employees should be encouraged to understand their personal needs/wants in relation to their ability to contribute, including the possibility of a static career within the lower echelons of their agencies. A host of specific innovations are possible in these respects, including keeping patrol experience in the streets where it is most effective. The International Association of Chiefs of Police 'master patrolman' concept had a poor reception in the United States and yet properly adapted, it possesses great potential. Reformulation of career structures in such radical terms will require close cooperation between management and unions.

It is not maintained that these measures in appropriate combinations will cure all personnel problems. But if undertaken sincerely and in a sustained way, there is a probability organis-

ational climates will change in a manner conducive to reduced employee dissatisfaction, thereby raising the threshold of militance. Larger police departments have the more difficult task in improving employee motivation, especially when they are conducted on authoritarian lines. Many subordinate members, so long conditioned to didactic employee relations, would view official relaxation as weakness and react irresponsibly unless such reforms were carefully planned and implemented. Being realistic, it is appreciated that it is impossible to undertake all initiatives concurrently. Gradual (and sustained) change is essential. A great deal of reform was attempted in an uncoordinated and sometimes poorly planned fashion in the Police Department of Queensland during the years 1971-76, which contributed to massive frustration and employee militance (see Chapter Two).

Change has to be sold to employees, including their unions. Employee organisations should be encouraged to involve themselves in the management of change, although it is recognised that it may not always be possible to achieve such cooperation. Despite a not entirely unwarranted reputation for conservatism it is the unions which are the more progressive advocates of reform. Certainly, management initiated change is sometimes resisted by unions but usually for sound reasons. The image of police unions as being generally reactionary is inaccurate. Union reactions to change are often determined by the host department's limited administrative competence. Probably, the best example in this respect related to appraisal systems. One police department introduced an appraisal scheme designed overseas. It was not even known in which country the instrument had originated and no attempt was made to validate it. On top of that, there were strong employee suspicions that appraisal data were utilised in respect of promotions. Is it any wonder there was strong rank and file resistance to the scheme? Indeed, the resistance and criticism became so strong that the department concerned was forced to appoint a committee to reconsider the scheme. The department's willingness to critically examine an established program is commendable. It would however, be far more commendable if the same degree of consideration and flexibility had been exercised prior to the scheme's introduction.

Throughout this chapter, both explicitly and implicitly, the assumption exists that satisfied employees equate automatically

with effective organisations. This equation is not universal and requires some qualification. The research literature concerning productivity of satisfied employees is at best contradictory. There is no constant relationship between morale and productivity. That is to say, high productivity is not an inevitable product of high morale.⁵⁹ It is possible in fact for employees to be happy in their job and accomplish little. The reverse situation can also apply. It should not be construed though, that highly satisfied employees are necessarily unproductive. Whisenand and Ferguson suggest a combination of low job dissatisfaction and high group morale is conducive to high productivity. They caution that pride in job, proper job design and aspiration are necessary ingredients of job satisfaction and group morale.⁶⁰ The other side of the coin is of course, that low satisfaction tends to grievances, employee turnover, absenteeism and tardiness in work performance.⁶¹ Despite the lack of concrete evidence that satisfied, informed and socially integrated employees necessarily provide superior performance, it is argued that conditions advocated here will in the main not only conduce to superior performance but will also minimise employee grievances and industrial unrest. Contented and democratic organisations comprise social environments preferable to those which are generally discontented and/or undemocratic. Quite apart from empirical considerations, the concept of social equity suggests harmonious organisations are desirable phenomena in their own right.⁶²

Senior police administrators appear to have experienced concern over the last few years in relation to union activities and gains. In a short-term sense, this concern is understandable as it is their performance which has largely caused unions to take the initiative. There are, it should be noted, great differences between states in this regard. What is not understandable is the lack of objectivity among senior administrators evidenced by their inability to appreciate the advantages offered by unions. Generally speaking, it is the unions that have accepted leadership at times of crisis. It is the unions which have modified the more extreme demands of employees. Unions, that is executive committees, have never urged members to utilise their immense bargaining leverage by striking. Given sufficient cohesion, police employees could probably improve their wages by 50 per cent by such forceful actions. It is doubtful any government could withstand a substantial police

strike. Put in this light, police administrators should be more appreciative of the moderation generally exercised by police unions and their members in industrial affairs.

MANIFESTATIONS OF MILITANCY

Militancy is characterised by its combativeness and its potential to harm organisations, their performance and/or police authorities. In the lower reaches of the militance component of morale, employee reactions to discontent are mostly confined to grumbling, attempts at rational remedial action through their union, friction between individuals and groups of employees, and sometimes lowered performance. As organisational climates deteriorate further to the stage where militance becomes extreme, the collective psyche coalesces and attitudes become extreme, irrational and destructive.

Of the behaviour types associated with police militancy, two fall into a broad category known euphemistically as 'job actions' while a third constitutes public embarrassment⁶³/harassment of police authorities. Examples of this third type of behaviour are media campaigns, votes of no confidence and pickets. Examples of most types of police employee job actions performed in various agencies are included in Table 2. Votes of no confidence in Police Commissioners and Ministers are not new in Australia, for example the vote of no confidence in 1980 by the Police Department of New South Wales commissioned officers in respect of their Commissioner following his accelerated promotion of a senior officer resulted in the Premier overturning the promotion.⁶⁴ As isolated instances, votes of no confidence in administrators or ministers generally have little impact but where employee militance is sustained and a number of votes of no confidence are produced in respect of selected officials over time, political embarrassment can occur. When substantial and sustained embarrassment is caused a government and there is a possibility of electoral damage, sooner or later the focus of the votes of no confidence will be removed regardless of the rights and wrongs of the case. When employee militance reaches such a pitch no individual action is impactful in isolation. Inevitably, other forces such as the media and opposition politicians come into play. Thus, it cannot be asserted votes of no confidence alone are responsible for the

TABLE 2
 Formal Manifestations of Police Employee Militancy*

<i>Harassment</i>	<i>Job Action</i>	
	<i>Stoppage</i>	<i>Disruption excluding stoppage</i>
Vote of no confidence	Strike refusal to work rostered shifts -- indefinite, wildcat	Sabotage/Vandalism
Media campaign		Obstruction
Picket	Stop work protest meetings, rallies, group discussions in duty time	Speed up
		Slow down
	Sick out the taking of sick leave to avoid rostered duty as part of concerted action	Refusal to work overtime
	Picket	Work to rule
		Mass resignation, threat of Picket

* This is not a typology of formal expressions of employee militancy, police or otherwise. It is a classification only of those formats known to have taken place in various English speaking police agencies (plus French speaking in the case of Montreal City).

removal of public officials. Nevertheless, such strategies can be most effective. A prime example of such a state of affairs occurred in Queensland when in 1976, the Police Minister was removed from his portfolio and not long afterwards the Police Commissioner felt obliged to resign. Both officials had been subjected by employees to a number of votes of no confidence.⁶⁵ Pickets have not yet been employed substantially as a tactic of industrial harassment by police employees in Australia. They have however, been used with great effect in several American cities. For example, in January 1971, Milwaukee police rejected a strike proposal but voted to ring city hall with 1,000 pickets in their campaign for higher pay.⁶⁶ The city government came quickly to the bargaining table as a result.

Job action behaviours fall into two classes. One class concerns withdrawal of labour associated actions. The other relates to disruptive behaviours short of actual strike.

Withdrawals of labour and associated behaviours are classifiable as:

- strike — fix period, indefinite, rolling, selective;
- sick out — members report in 'sick' *en masse* and so are not available for duty but perhaps, may not be actionable for breach of statutory prohibitions on strikes by police; and
- stop work — protest meetings, rallies, group discussions in duty time.

Of these three categories, the strike is feared by police and public alike. As one student of police unionism has put it, 'the unique horror with which police strikes are viewed seems to be due as much to the symbolic significance of indiscipline in a body whose function it is to control, as to the public danger involved.'⁶⁷ Certainly, it is the form of police employee job action most discussed and written about.

Police strikes, that is straightforward refusal to work by all or most employees rarely last long. The Victorian police strike of 1923 lasted four days, the Montreal police strike of 1969 covered five days. The New York City police strike of 1971 was maintained for a period of six days and five nights and the San Francisco police strike of 1975 occupied four days. Police strikes in America,

the only country in which large numbers of police strikes have occurred, rarely last more than five days.⁶⁸ The deprivation (or serious reduction) of vital police services to the community are matters of extreme concern to both police authorities and employees alike. For police authorities the twin pressures of political accountability and concern for public security are imperative. For police employees, to the present time at least, a strike is absolutely a matter of last resort when the limits of militance have been exceeded. The catharsis of strike action quickly leads (provided no further stimulation occurs) to a rapid reduction in levels of emotionality, thereby permitting consideration of public service and occupational commitment to reemerge.

The question of high emotionality in relation to police strikes is of particular importance to administrators and union officials alike. One study, which analysed the determinants of 1975 police strikes in Albuquerque, New Mexico and Oklahoma City, Oklahoma, found in both cases inaccurate rumours triggered strike action at times of great tension between the bargaining parties.⁶⁹ These findings are consistent with the view put forward elsewhere in this chapter, to the effect that long-term factors create the climate for strikes but that they are triggered by short-term, immediate factors; usually acts of perceived unreasonableness on the part of the employer. They also help to explain why so many police strikes are wildcat affairs, that is not approved by union management. John Iremonger, *et. al.* in *Strikes*, refer in similar vein to 'tangible' and 'intangible' elements of strikes.⁷⁰ These analytic constructs were also employed by Bob Haldane in his examination of the 1923 Victorian police strike.⁷¹

A variation of the walkout strike sometimes utilised by workers in industries other than police is that of the rolling strike. In such a job action, rather than going out and staying out indefinitely, employees go out for a set period, return to work, and then go out again, often without notice. Sometimes, rather than all members going off duty on all occasions, each rolling strike may involve only a selected section of an organisation at a time. Tactics such as these, especially in essential services, are extremely difficult for administrators to cope with. They require union organisation and given the high levels of responsibility exercised by police unions generally, are not an immediate threat in the police service. But in a few years time, with a deteriorating industrial climate

generally and a possibly greater predisposition among employees to extreme industrial action, the possibility of work stoppages of this kind by police cannot be ignored.

Sick outs or 'blue flu' as the tactic is sometimes known, is a strike form employed when it is desired to avoid the possibility of punitive action against personnel absenting themselves. If the basic motivation is withdrawal of labour, sick outs are ethically just as much a strike as the overt walkout type of strike. However, the euphemism of 'sick out' or whatever other synonym may be employed, does have the important characteristic of sounding less menacing than a formal walkout.

Stop work actions normally involve employees being absent from their workplaces but the major motivation relates to the discussion of industrial problems rather than a desire to harass or incommode the employer. Quite often, employers agree to employee attendance at such meetings in duty time rather than risk confrontation, and perhaps escalation of the emotional climate.

A category of labour withdrawal or perhaps more accurately, withholding, is that of refusal to work overtime. Both the Police Association of Victoria and the Police Union of Workers, Western Australia have approved such a tactic, although subject to geographical restrictions in Western Australia. In situations in which routine overtime is necessarily worked, the decision to cease doing so can be particularly disruptive to field services.

Of the disruptive tactics other than stoppages, available to employees intent on expressing their militancy, four major categories warrant consideration; (a) sabotage; (b) obstruction; (c) speed up; and/or (d) slow down.

Sabotage has not been employed by police officers in Australia as a form of industrial action. However, the phenomenon is not unknown in United States where striking police officers have been known to damage property, including police vehicles.⁷² Obstruction is also not unknown in police strikes. Striking Montreal police officers in October 1969, deliberately transmitted fake emergency calls over the department's radio system as well as immobilising departmental vehicles.⁷³ In Memphis during 1978, striking city police employees deliberately obstructed state police personnel brought in to replace them.⁷⁴

Speed ups involve taking regulatory action, for example traffic tickets and arrests, to extremes so that; (1) public com-

plaints are directed to the police authorities thereby embarrassing them; and (2) overloading the department's report processing and prosecutorial systems. Administrators can counter excessive traffic 'bookings' by declining to proceed with them but that tactic is less easily utilised in the case of arrests. In arrest cases prosecutorial discretion is less flexible and decisions not to proceed could well encourage damages suits on the part of arrestees.

Slow downs include a variety of tactics, the most obvious characteristic of which is reduced productivity. Police authorities could be embarrassed by complaints of irate citizens concerning lower than acceptable levels of activity by police employees. Sometimes the slow down may be applied in respect of specific sections, for example traffic. Loss of traffic revenue impacts governments where it hurts most, in the exchequer. In Queensland in 1976, only two traffic breaches were submitted within a 48 hour period as a result of employee dissatisfaction. The loss to government revenue must have been substantial. Slow downs include a variation known as work to rule or regulation. In such circumstances, employees faithfully observe all the formal prescriptions of administrators intent on leaving no area of employee activity unregulated. This is a most attractive tactic to employees and has been employed in Australia on a number of occasions. It avoids outright strike, emergencies can be attended to, the public are more likely to take a tolerant view of the action as it is less than total, and it can be used as a bargaining point with employers. However, it suffers the defect of not being sustainable for long, most employees becoming quickly bored with conscientiously observing regulations which are normally either ignored or glossed over. They usually resort to customary activity levels within a short period.

DISCUSSION

If present social, economic and organisational factors either remain constant or deteriorate, it is entirely probable police employee dissatisfaction generally and militance will increase. In fact, such militance will in the opinion of the various union Secretaries, result in police strikes within the next five to 10 years. The warning of possible strikes was issued in the course of the Police

Federation's 1981 annual conference, it then being claimed that delays in hearing police pay and allowance claims was creating employee militance.⁷⁵ However, extreme militance is not inevitable. Sound personnel practices can operate to minimise levels.

The concept of morale as proposed in this chapter is not validated. It is presented merely as a tool with which to assist both unionists and employers to better understand morale in their respective agencies. Indeed, the shortage of worthwhile empirical research performed in respect of job satisfaction is a major problem for personnel policy makers and planners, conducing to the unfortunately speculative nature of some of the discussion presented here. Part of the problem lies in the conceptual difficulty of defining morale. Most people accept a gross notion of morale as 'a single force', as Nigel Walker terms it, obtaining in organisations. But the moment a question arises, for example of whether it is an individual or group phenomenon, comprehension quickly fades. It is not claimed the model of morale presented here, that is residual dissatisfaction combined with militance, is robust but it is felt it provides a useful aid for unionists and managers until a more rigorously derived device is produced.

The lack of positive correlation between morale and high productivity is doubly unfortunate as it tends to create profound misunderstanding of social conditions in organisations. The research on which the claimed lack of correlation between the two variables is based was conducted in organisations which remained in operation. A rather different picture would emerge if strike bound organisations and bodies which collapsed were included in such studies. Thus, while it can be said that some organisations having low employee morale can be highly productive, it is also the case that low morale can lead to disruptive job actions and low productivity — in fact, it is submitted for most practical purposes that the lower morale is in an organisation, the greater is the probability of militancy being manifested.

The broad conclusions of this chapter are twofold; (a) a well defined long-term administrative perspective on employee protection is necessary if levels of residual dissatisfaction are to be reduced; and (2) the exercise of leadership, within appropriate structures, is essential to the maintenance of short-term industrial stability, which in itself is a necessary precondition to the achievement of residual dissatisfaction reduction.

With respect to the first point, the establishment of clear and honest relations between management and unions is critical, including an understanding to disagree where unavoidable without ruining relations across the board. The second conclusion warrants the comment that failure by administrators to lead will generally result in unions filling the vacuum. Even where the will and the capacity to provide vigorous and effective leadership exists among chief officers, consultation with employees and their unions should not be eschewed. Failure to consult, especially with unions will not only inevitably result in loss of direction but will create added resistance. Consultation is an important means of keeping channels open. Indeed, the major role of modern police personnel branches is to keep channels open right across their respective organisations. Not only are field personnel better informed and equipped as a result but the fatal organisational characteristic of hierarchical distancing is thereby minimised. Open communication is not only a matter for headquarters' staff officers to concern themselves with. Communication must be encouraged at all levels of an organisation, right down to the station/patrol level. They too, must be established externally with environing institutions as well as between unions and management.

Fundamentally, administrators need to reexamine the basic precepts of police organisation and administration and even of policing itself. Actually, such a task is not one for administrators alone. It should include all interested members of the police occupation. To a lesser extent members of environing occupations, politicians, police educators and theorists, as well as interested members of the public, should also be involved in the process. Although conveniently placed to undertake such tasks, police administrators have since 1829 largely neglected the responsibility. Should they continue to neglect this vital task, the initiative will be taken from them, not only by police unions but by inquiries conducted by outsiders, for example the Lusher Inquiry. Chief police officers are perceived by some as both organisational and occupational heads. As organisational heads, chief officers owe their positions to persons other than police officers, that is politicians. Such a form of selection provides moral authority only in respect of their organisations.

It certainly does not confer moral authority in respect of the occupation, that is to speak for police personnel personally. To

be fair, chief police officers probably do not consciously see themselves as performing other than as purely police officials. But the moment they act in concert, for example in the format of their annual conference, and exceed their individual organisational boundaries, the distinction between organisation and occupation becomes significant. Police unionists, as elected representatives of police employees generally enjoy greater moral authority in this respect. It will be seen in Chapter Five that the objectives of police unions mostly include the wellbeing of the police service generally. While such provisions cannot be construed as a mandate authorising employee representatives as occupational representatives, the fact that they are elected from within the ranks of police workers and do have at least a 'service' protection role, placing them in a superior position to all others.

If the future of the police occupation is to be assured, personnel administration must be a major branch within agencies instead of being either non-existent or a cinderella branch. Administrators require a better understanding of employee motivations as well as operational requirements and also to have the ability to match the two effectively. Nowhere is this requirement more necessary than in the industrial field. There more than anywhere else, channels need to be kept open, strategies carefully delineated and the old combativeness consigned to the scrapheap of obsolete management styles.

Only by creating positive social climates and mutual trust at all levels of hopefully much shortened hierarchies will employee militance and the potential for militancy be minimised. In any discussion as general as this, it is not possible to present actual managerial blueprints for immediate adoption. In any case, administrators need firstly to understand and accept the concepts necessary to provide the foundations of the police service of the future. Only then will they be in a position to start reviewing, redesigning, reforming and coopting all those with appropriate knowledges and skills to contribute. Before employees can be satisfactorily motivated, administrators must themselves be motivated. No guarantees of success can be given. At best, administrators will only ensure themselves fewer problems than would otherwise have been the case. Yet, unless something is done to improve police organisational structures and environments generally — done soon and done well — police residual dissatisfaction

may reach a stage where substantial reform will be for all practical purposes, impossible.

In terms of sheer humaneness there exists an argument for all organisational employees to be as contented as humanly possible – consistent with the purposes of their organisation, that is. The proposition is at once universal and axiomatic. With respect to the police service though, there are important additional considerations. First, the police occupation is an ascriptive occupation. That is to say, it is an occupation which is organisationally bound. Even the employees' unions themselves are organisationally bound at this stage of development. This concept is discussed in greater detail in Chapter Seven. The point made here is that as there are no professional police associations external to police organisations, the moral argument for union involvement in departmental decision-making and development is stronger. Police unions are in effect performing dual roles of industrial bargaining agent and occupational representative.

The relative reluctance of police unions to resort to job actions is a matter not sufficiently appreciated by administrators. Neither is their potential leverage well appreciated by employees themselves. To support the one and inhibit the other, both administrators and governments need to take a much more realistic view of their relationships with police employee groups. As with other essential service unions, police unions possess the potential to exert greater pressure in terms of power relationships than do employers. Ironically, the more successful the various employers are in combatting unions, the more they bring forward the day when employees become industrially radical. Just as the unions cannot get too far away from their members' wants, neither can police administrators. If tolerance boundaries are exceeded as a result of unions being insufficiently successful in their relations with employers, industrial action will follow. Thus, it is in employers' interests to ensure the existence of healthy, active and successful unions. Healthy all round relations are only to be developed and maintained by openness, proper job design and structures encouraging a sense of satisfaction. That is to say, with good morale in the ascendant, dissatisfaction and militance are minimised. Under such conditions, it is then morally incumbent on employees and their representative unions to respond in a responsible and profess-

ional manner. Rights must be associated with responsibilities in proper proportion.

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Chapter 4

Police Dispute Settlement

Police industrial disputes are divisible essentially into those which are award or determination-related and those which are not. It was seen in Chapter Two that the disputes which cause greatest friction generally fall into the latter category. Award-related disputes which are fundamentally economic in nature, are usually settled within the formal conciliation and arbitration structures available to disputants in all jurisdictions. Non-award disputes which mostly involve non-economic issues, have no formal resolution structures should collective bargaining fail. It is assumed therefore, one reason police award-related disputes achieve high levels of intensity less frequently than other disputes is due to the existence of formal settlement structures.¹ Quite apart from the utilisation of such structures, their mere availability may constitute an inducement to successful bargaining given favourable circumstances.

The term 'industrial dispute' typically refers to award-related disputes. However, as unions show increasing interest in areas of traditional management prerogative, it is also applied here to non-award disputes.

Although most serious police industrial disputes are not award-related, it is appreciated by virtually all practitioners that issues of pay, allowances and conditions represent an ever present source of dispute. The point holds for all workers, not just police employees. That is the reason why all governments have provided industrial conciliation and arbitration mechanisms.²

The characteristics of the various dispute settlement bodies differ somewhat according to each State's industrial experience. New South Wales, Queensland, South Australia and Western Australia, all have industrial commissions, whereas Victoria and Tasmania have traditionally utilised wages boards. The Tasmanian

government is expected to establish an industrial commission which it is thought will be in operation by late 1982.

Subordinate rank police unions in the commission states are all registered with the relevant industrial commission. Thus, in the event of an insoluble (by means of collective bargaining) award-related dispute occurring, resort may be had by either party to the relevant industrial commission for settlement. In Victoria, the Police Service Board (which is consistent with the wages board concept), exists to arbitrate police industrial disputes together with certain associated functions. In Tasmania, since replacing the Police Wages Board 1973, the Public Service Board has provided an industrial dispute settlement service for government employees.³ In the Northern Territory, a Police Arbitral Tribunal exists to service the police industry. Employee bargaining units vary between jurisdictions. In Victoria, Tasmania and Western Australia, there is one unit each, exclusive only of the top few administrative level ranks. In Queensland, New South Wales, South Australia and Northern Territory, bargaining units are divided according to whether employees are commissioned or not. With but two exceptions the various bargaining units are represented by sole bargaining agents.⁴

A fundamental myth underpinning industrial relations theory in Australia is that collective bargaining is the basic means of industrial dispute settlement. Only when collective bargaining breaks down, so the story goes, is arbitration employed. Even then it is claimed, conciliation should be the first resort wherever possible. At a formal level the myth possesses superficial merit. But the informal reality is that little effort is put into maximising the effectiveness of collective bargaining in most industries; with the result that excessive reliance is placed on binding arbitration. A reliance, one suspects not entirely unwelcome to those who operate the various boards, commissions and associated structures. Yet despite the superstructures erected across the country supposedly to aid industrial relations, Australia's lost time record is not better than America's — a country in which collective bargaining is widely practised. In the commission states, the police industry was among the most collective bargaining oriented. But in recent years, as bargaining has become ever tougher, increasing resort by police employers and unions to arbitration is evident.

Police unions represent their members' interests across a variety

of dimensions, a number of which are examined in Chapter Five. The single most important area of employee representation though, concerns the economic needs and wants of police officers. To quote a New Zealand policeman's view of his union's most important function: 'when you put everything into its place all other things are only secondary to and consequences of our salary.'⁵ Representation of employees' economic interests at the present time is not only a necessary condition of a police union, it is a sufficient condition. This fact reflects the low level of professionalism currently obtaining in the police occupation.

This chapter describes and discusses dispute settlement mechanisms available to police on a state by state basis. Associated matters are also addressed in the concluding discussion.

NEW SOUTH WALES

Economic based policy employee grievances in New South Wales are dealt with in the first instance between union and Public Service Board representatives, the latter body representing the employer. Agreements resulting from direct negotiations must be endorsed by the Industrial Commission. Ostensibly, such endorsement is designed to ensure the standard application of wage fixing principles. However, variation between awards generally is great, especially between public and private sector industries, making such endorsements of doubtful value.

Non-award disputes concerning matters internal to the department are normally raised by union representatives with departmental officials. Sometimes such communications are initiated orally, at other times by formal correspondence. There are circumstances though, in which the department may decline to respond to a complaint. Such circumstances typically involve issues considered management prerogatives. In such cases, the union is placed in a position in which it either drops the matter or operates to bring pressure to bear on the department. Pressure may be exerted either internally or externally, for example by appealing to the police minister or the media. Not infrequently, trade-offs are entered into in which the union may forego a complaint in one area with the compensation of a gain in another matter. Given that disputes are almost invariably originated by unions, such a manner of operation has placed police unions in a position of considerable

advantage historically. At worst, unions have little or nothing to lose in pursuing a complaint and possibly, something to win.

Since the mid 1970s, collective bargaining has been less acceptable to the police industry in New South Wales. One indication of the union's decreasing satisfaction with bargaining was that in 1979 it took an award-related dispute, that is salary claim, to the Industrial Commission — a course of action not previously exercised since 1946. This shift in dispute settlement method was a direct consequence of the tougher negotiating stance adopted by the government. The government position was determined in part by:

- indexation guidelines (1975-81), which made cases for increased salaries more difficult to mount; and
- increasing difficulty of the state government to finance its operations.

With regard to non-award disputes, there became evident during the late 1970s a reluctance by management to negotiate. This reluctance appears to stem from a view widely held among senior police administrators that a line has to be drawn in defence of management rights. Management refusal to negotiate non-award disputes affects the Police Association of New South Wales more than most other employee bodies because the union's access to the Industrial Commission is limited under the *Industrial Arbitration (Police) Act, 1946*. Limitations of access apply to promotions, discipline and transfers.

The deadening effect of the indexation guidelines was not the only factor in the 1970s influencing unions into non-economic areas of disputation. So too, were the rising expectations of employees who were (and still are) increasingly desirous of having some input in determining the conditions to which they are subject. These increased pressures on a largely conservative senior management cadre have in a general way conduced to a lessening in the quality of personal relationships between union officials and senior administrators.

The New South Wales Police Department has a fulltime civilian industrial section. Liaising with the Police Association of New South Wales is one of its duties. Scores of individual employee grievances are presented to the department each year. Many are

rejected, some are simply not actioned and some are accepted and resolved. The great bulk of these matters are dealt with by letter and regardless of result are not strongly contested. The Police Association of New South Wales also raises with the department each year a large number of formal complaints and suggestions, mostly dealing with perceived shortcomings of departmental management, funding or operation. These corporate (as opposed to individual) representations are generally more serious than the processing of individual grievances and some possess the potential for significant industrial conflict. Even so, the number of issues which lead to substantial friction between union and department is small. In fact, those matters identified as having the potential to be serious disputes are quickly identified and their resolution accorded priority. Greater resources are naturally employed in addressing higher priority matters. Increasingly in the 1980s though, police employee associations have taken their industrial grievances to the Public Service Board as that body has been declared the employer in respect of the police industry.

When impasse occurs with respect to a dispute, that is an unsatisfied complaint, which falls within the province of the Industrial Commission, it is normally referred by one or other party to that forum. There is no single route to the utilisation of industrial commission structures. The precise approach depends on the nature of individual disputes and the form of conciliation or arbitration indicated by circumstances. An individual Commissioner may be assigned to deal with a dispute. Alternatively, a dispute may be referred to a conciliation committee. The police conciliation committee comprises a Conciliation Commissioner as Chairman, two members representing the union, and two members representing the Police Commissioner and Public Service Board respectively. Both an individual Commissioner and a Conciliation Commissioner may mediate a specific point at issue and then refer it back to collective bargaining. Should total impasse exist, the Industrial Commission may make or amend the Police Award as it sees fit should it be an award-related matter that is in dispute.

Appeals, unless there is prior agreement among all parties not to contest decisions, are directed to the full commission. Appeals and disputes relating to questions of law are addressed to the full bench of the Commission, comprising three judges sitting together.

Disputes involving new industry standards or which are likely

to impact other awards are dealt with by a Commissioner sitting in court session, that is a judge sitting alone. These various processes are illustrated at Figure 7.

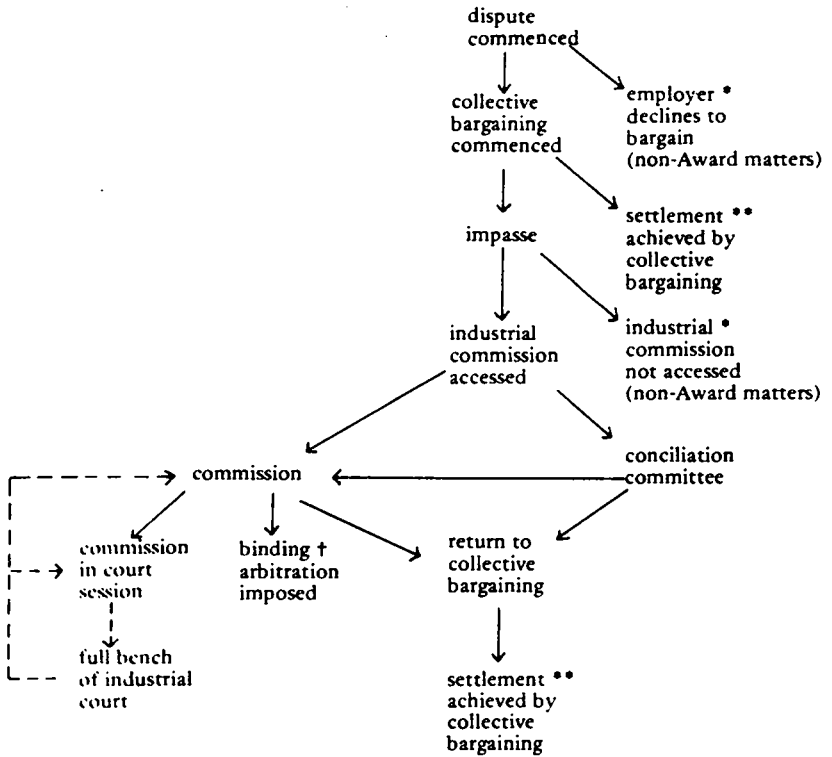
In the absence of the government's commitment to participatory management, the question of how far unions should be permitted to involve themselves in departmental management including decision-making, is a vexed one. Unions themselves differ markedly on the issue.

With regard to formal conciliation and arbitration processes, the biases inhering in the structures provided are a matter for concern. The public employer enjoys a marked advantage in respect of award-related or other disputes acceptable to the commission. Employer representatives are in a position where they can refuse to bargain on any particular issue. Such a stance places the union in a position where it must either desist, or ultimately resort to the Industrial Commission. Appearance in the commission costs money as attorneys are utilised as advocates. The public employer merely expends public funds in support of his particular action. As there is little attempt to establish accountability in such matters, this fact alone is designed to encourage intransigence on the part of employer representatives. This is not to suggest an intransigent attitude is consciously adopted but when one is in a position to spend someone else's money it is difficult to act as responsibly as someone spending his own money. Unions naturally have to expend their finite funds far more conservatively.

In America generally, arbitration only commences once all parties are satisfied with an arbitrator; arbitrators being selected from volunteer panels. In New South Wales, arbitrators are appointed and paid by government. Judges and Commissioners are assigned their duties by the Chairman of the Industrial Commission. Arbitrators are part of the establishment, having the power to impose their decisions and with a vested interest in promoting the continued existence of their service. Their position is not greatly dissimilar to that of judges and magistrates in the criminal courts. A general commitment to the status quo seems inevitable, in addition to a largely legalistic perspective which is arguably inappropriate in the domain of industrial conflict. In fairness, it should be said that judges and commissioners generally operate with personal goodwill and conscious impartiality. More importantly though, the structural characteristics of arbitration must,

FIGURE 7

Police Dispute Settlement Processes – New South Wales



OUTCOMES

- dispute unsettled
- ** dispute settled by consent
- † dispute settled by arbitration

in a general way, favour employers, especially public employers who are not burdened with the responsibility of financing their decisions. Solutions to such disadvantages are unlikely to occur within the Industrial Commission. With the distinct possibility of decreased collective bargaining in the police industry, the disadvantages indicated here may assume greater importance. One broad result could be a further decrease in the absolute quality of police industrial relations.

At the very least, thought needs to be given to creating structures permitting the selection of mutually acceptable and impartial conciliators and arbitrators. To offset lack of client commitment to the outcomes of compulsory arbitration imposed by arbitrators not selected by parties to a dispute, consideration should be given *inter alia*, to some form of final best offer bargaining.⁶ An even more pressing reason for parties to police awards and determinations to be granted final best offer bargaining is the universal prohibition on police strikes.⁷

The great problem for the police industry in New South (and also other jurisdictions), is the question of whether all disputes should be subject to arbitration or whether management prerogatives be excluded. Even if provision is made for all impassed disputes to go to arbitration, the question will still remain of employee disputes with individuals or bodies outside the service, for example the government. These are important and complex questions ideally requiring consideration in the near future. If competent and acceptably industrial/legal/administrative mechanisms are not formulated prior to the total exhaustion of industrial goodwill in the police industrial community, the term 'industrial jungle' will become a reality with adverse results for all.

VICTORIA

The same basic distinction between award and non-award based disputes exists in Victoria as in New South Wales. However, the constraints applied to the Police Association of New South Wales' access to arbitration in respect of promotions, discipline and transfers do not apply in Victoria. Like all large police unions, scores of employee complaints are presented to the department each year. Some are accepted and remedied, some are accepted to be remedied as opportunity presents, while some are rejected for a

variety of reasons. Some lie strictly outside the union's authority for involvement and others are beyond the department's capacity to resolve, for example delays in supply of uniform items. Some complaints refer to administrative shortcomings which at best can only serve as cautionary tales for the future, while yet others lie beyond the control of both the department and the union. Most rejections and other failures to remedy complaints are accepted by the union's management. It is appreciated by executive members of all unions that some complaints either do not warrant serious attention or great application of resources if resisted by the department but such complaints are nevertheless, forwarded to satisfy the originating branch that their union is active and interested. All members' complaints constitute valuable feedback to commanders and personnel administrators as well as union managements and should be carefully analysed, for they reveal the pulse of the membership.

The Police Association of Victoria's management is well aware certain complaints and other issues it presents to the employer must be taken up and if rejected by the department, disputed. Such matters include issues of Association policy, matters which exceed employee tolerance while unsettled and defence of the department against external attack. In those cases in which dispute settlement is not possible by means of collective bargaining with either departmental or Public Service Board representatives as appropriate, resort may be had to the Police Service Board — always provided the matter is one in respect of which access is permissible. The Board and all matters pertaining to it are governed by the *Police Regulation Act, 1958*.

The Police Service Board comprises three persons. The Chairman is a county court judge. The two members consist of an appointed government representative and an elected employee. The employee representative is required at least to hold the rank of Senior Sergeant. On those occasions when agreement is achieved by means of collective bargaining, the agreement is nevertheless subject to Board approval.

The exclusion of members below the rank of Senior Sergeant from Police Service Board membership is inequitable, given that the vast majority of the Police Department of Victoria's membership falls below that rank. The stipulation apparently stems from the fact that the Police Service Board also operates as an appeal

forum for all ranks. A junior rank as elected member could be placed, it is held, in an indivious position should he or she be required to hear a commissioned officer's appeal. Quite why a Senior Sergeant should not also be similarly embarrassed when commissioned officers are involved in appeals is not clear. It is a simple matter, for example by having a panel to permit all ranks to stand for selection to the Police Service Board in its arbitral capacity, while at the same time making provision to ensure a person of a rank senior to that appealed is utilised in the Board's appellate jurisdiction. No concern is evident among junior ranks concerning the matter at the present time and only the principle of equity suggests that the situation be remedied.

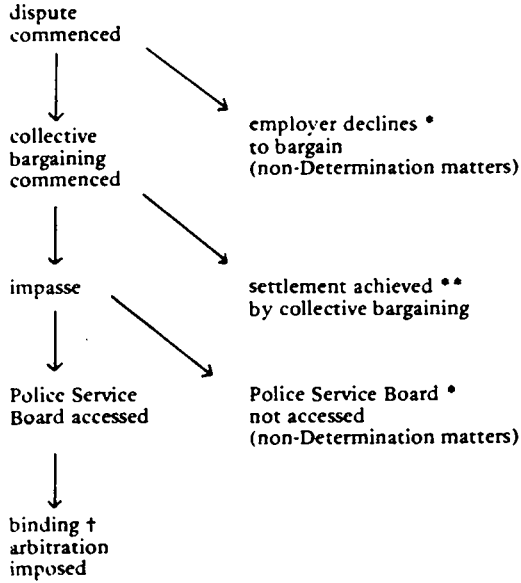
An interesting feature of the Board's powers is that its decisions cannot be appealed, however outrageous its determination may be. The only way the Board's findings may be nullified is through disallowance by parliament. Clearly, the Board is an entirely responsible authority and is unlikely to do anything outrageous but an appeal provision is nevertheless desirable as a principle of natural justice. It is also noted that the sole provision of parliamentary disallowance favours the public employer. A formal process of appeal to a nominated tribunal would help correct the imbalance of advantage involved as well as lightening any employee feelings of injustice that might arise as a result of the Board's power of binding arbitration.

The limited routes to industrial dispute resolution in Victoria greatly favour resort to arbitration at the expense of collective bargaining or conciliation. These processes are shown at Figure 8. Apart from a natural tendency of such bodies to promote their own indispensability, there is also the danger that determinations emanating from such a body will lack desirable commitment on the part of parties to the dispute. The point holds particularly in respect of decisions which may prove highly unpopular with employees. These disadvantages would seem to be less evident in Industrial Commissions. On the other hand, it can be argued there are political advantages in having police industrial disputes taken out of the general industrial field. Should it ever become necessary, for example to treat police industrially in a manner different from other industries, it would be simpler to do so in a tribunal catering exclusively to police.

The Police Department of Victoria has appointed a Super-

FIGURE 8

Police Dispute Settlement Processes – Victoria



OUTCOMES

- * dispute unsettled
- ** dispute settled by consent
- † dispute settled by arbitration

intendent as the department's industrial officer. A close liaison is maintained by that officer and the Police Association of Victoria's management. Consideration is being given to decentralising industrial officers by the introduction of regional industrial officers. The department also goes to considerable trouble to ensure liaison between its own top management and the Association's secretary. Substantial benefits flow from the close liaison achieved.

QUEENSLAND

For many years, police industrial disputes in Queensland were settled by means of collective bargaining. Then the long running dispute between the Police Union of Employees, Queensland and the Commissioner of Police over the period 1970-76 (see Chapter Two) had the effect *inter alia*, of reducing police industrial relations to an extremely low level and making agreements impossible. The emotional legacy of those years still lingers and although a relationship of trust now largely exists between the Police Union of Employees and the police administration, the emphasis on formality which developed during those years of intense friction still inhibits collective bargaining in respect of award matters. By mutual consent all award-related matters are referred to the state's Industrial Conciliation and Arbitration Commission. Relations between the Police Union of Employees and management are now cautiously cordial (although subject to fluctuation over time), and non-award disputes are mostly settled by means of collective bargaining.

In Queensland, all general industrial disputes are capable of being dealt with by the Industrial Commission. Of course, purely personal disputes, for example failure to pay travelling allowance, are dealt with in an industrial magistrate's court. Departmental representatives negotiating non-award matters are thus aware that an alternative venue for settlement exists. This realisation works to the advantage of employees in that there is less motivation for departmental representatives to either stall or even refuse to negotiate — as can happen in those jurisdictions in which no such alternative exists, for example Victoria and New South Wales.

The dispute settlement machinery provided by the Industrial Commission in Queensland is reportedly designed to encourage collective bargaining. When impasse occurs or when as in the pre-

sent case, parties to a dispute prefer for whatever reason to utilise the Commission's services, resort is normally made in the first instance to a single Commissioner. A Commissioner may mediate specific areas of a dispute and then return it to collective bargaining or he may hear a matter completely and then make a determination.

Appeals against decisions of a single Commissioner and matters involving new industry standards or other awards, are taken to a full bench of the Commission – which comprises a minimum of three Commissioners sitting together. A full bench may either fully resolve a dispute and make a determination as considered appropriate or it may resolve a particular point at issue and then return it to the initiating single Commissioner, s.33(2), *Industrial Conciliation and Arbitration Act, 1961*.

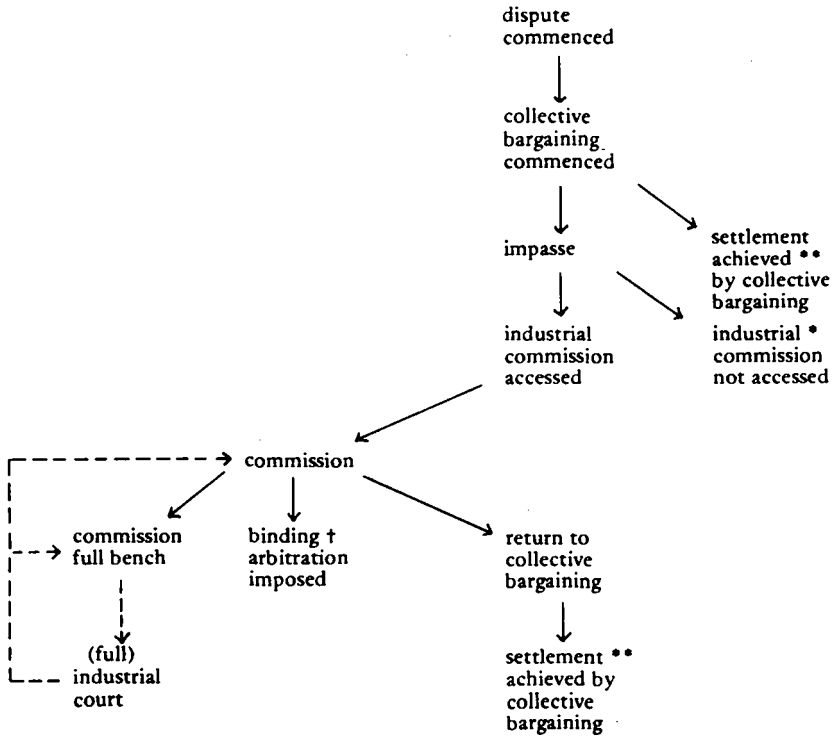
Appeals on questions of law and disputed decisions of the full bench are taken to the industrial court for review. To date, no such appeals have been entered by parties to the Police Officers' Award. The combination of processes described here is depicted at Figure 9.

The Queensland Police Department has no formal industrial relations section, although like several other forces it does have a senior officer nominated to take a direct role in such matters. The Deputy Commissioner of Police is the responsible officer, although he naturally has other responsibilities as well. He maintains frequent and close contact with the Police Union of Employees officials and this relationship has undoubtedly been responsible for the lack of industrial disputes over the last six years. The Commissioner of Police meets monthly with the Police Union of Employees' executive committee and discusses a wide range of matters of current interest. When disputes occur, that is when the department feels it cannot accede to a union initiated grievance, the Deputy Commissioner is usually nominated the department's negotiator.

Although all disputes may be considered by the Queensland Industrial Commission, access is at the discretion of the Commission. Thus in respect of non-award matters, although there is a potential for arbitration there is no guarantee of access. Police unionists in Queensland registered early with the Commission and have had an award since 1915 – the first Police Officers' Award in Australia.

FIGURE 9

Police Dispute Settlement Processes – Queensland



OUTCOMES

- dispute unsettled
- ** dispute settled by consent
- † dispute settled by arbitration

The same complaints concerning industrial superstructure exist in Queensland as elsewhere. Arbitration is by appointed officials and there can be little commitment by disputants to compulsorily arbitrated outcomes as a result. For example, the rejection of the 1975 Police Union of Employees' plaint (see Chapter Two), resulted in an informal job action and talk of strike action among some employees. The fact that virtually the same plaint, after it was resubmitted at the Police Minister's suggestion was granted the following year, is cause for thought as to the criteria employed.

SOUTH AUSTRALIA

Collective bargaining was long a preferred means of settling police industrial disputes in South Australia. But in common with most other jurisdictions, collective bargaining is no longer entirely adequate. Even so, considerable efforts are made by both the Police Association and the Police Department of South Australia to maintain reasonable industrial relations. A number of events have occurred though, in the last decade which have placed great strains on police industrial relations and cordiality has not always been possible. Most of those strains have originated not from the department but from external sources. The Police Department of South Australia is by far the best organised and administered in Australia which means, among other things, it has less 'flab' than any other police department in the country (see Chapter Eight). Greater emphasis is thereby placed on individual productivity and there are fewer 'corners' in which less capable or less enthusiastic members can 'hide' in unproductive obscurity. This fact, ironically seems to contribute to employee residual dissatisfaction (see Chapter Three). This in turn has been partly responsible for highly emotional responses to several unfortunate events which were interpreted by members as impinging on police safety and sovereignty. Maybe there is a necessity for large organisations employing persons up to the age of 60 years to create a percentage of 'soft' jobs to accommodate members who have lost their motivation.

As with Queensland and Western Australia, there are no formal constraints on police access to the Industrial Commission. Where total or partial impasse exists in the course of collective bargaining, disputes may be taken to the Industrial Commission. However, access in those cases which are not award-related is at the Com-

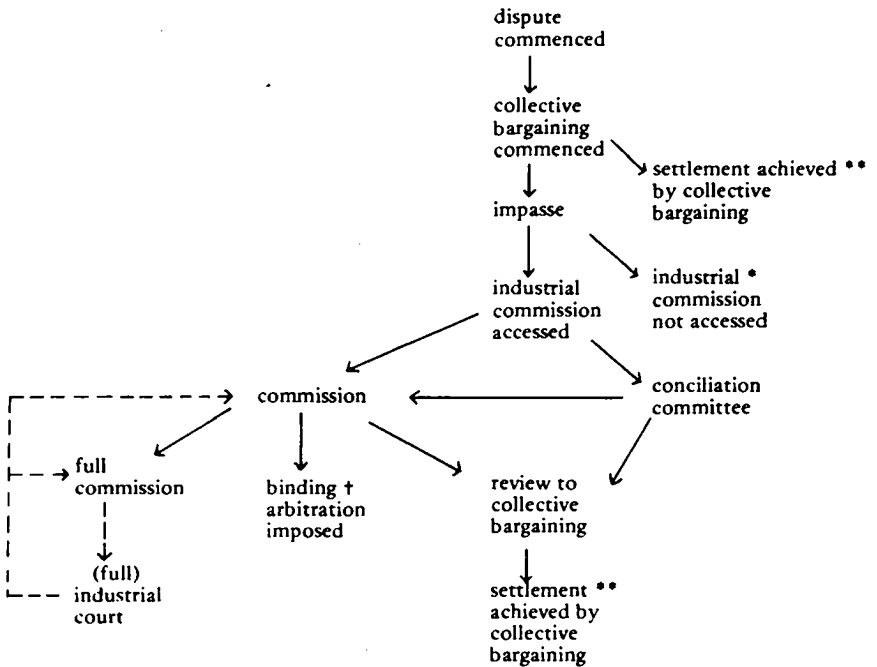
mission's discretion. The initial forum is either a single Commissioner or Presidential Member or as in New South Wales, a conciliation committee — depending on the service required. A conciliation committee is chaired by an Industrial Commissioner and has equal numbers of employer and employee representatives. So far, police industrial disputes in South Australia have not warranted resort to a conciliation committee.

Appeals from the Industrial Commission with respect to both decisions and questions of law are directed to the full commission. The full commission consists either of two presidential members and one commissioner or one presidential member and two commissioners. Appeals on matters of law arising from decisions of the full commission are required to be heard in the Industrial Court. The Court comprises an industrial magistrate plus one or more judges. The full Court consists of two or three judges. The amalgam of processes described here are prescribed in the *Industrial Conciliation and Arbitration Act, 1972* and is shown in outline at Figure 10.

The Police Department of South Australia endeavours to maintain high level communications with the Police Association of South Australia's leaders. A part-time industrial officer is employed but he is mostly occupied with routine matters. Disputes are negotiated by senior administrators only. This failing is common to most police departments and reflects the inability of administrators to delegate. Centralised police organisational structures (even in the Police Department where a substantial attempt at decentralisation has occurred but which now shows some signs of reversal), combined with lack of professionalism seriously conduce to this defect. Not only are senior administrators kept occupied with relative trivia by such practices but the development of professional industrial relations and the structures with which to support them are not encouraged. In the Police Department, South Australia as elsewhere, it is a matter of some urgency that experienced industrial officers of professional status be appointed, civil or sworn. The position should command the authority and remuneration of at least a Chief Superintendent. Obviously, such an official would need to liaise with his principals to establish the outer limits of disputes but within those limits he should be given the latitude to make decisions and enforce them within the department. Departmental heads concede such powers in times of crisis

FIGURE 10

Police Dispute Settlement Processes – South Australia



OUTCOMES

- * dispute unsettled
- ** dispute settled by consent
- † dispute settled by arbitration

to incident managers, why not in routine administrative affairs as a means to preventing industrial crises?

Quarterly liaison conferences are held between the Police Association representatives on the one hand and the Commissioner of Police and senior administrators on the other. These meetings are largely confined to non-award issues as the employer representative in award-related matters is the Public Service Board. Quarterly meetings serve a useful purpose in permitting the exchange of broad views and establishing trust. Properly managed they do a great deal to offset the damage continually inflicted on employee relations by the ubiquitous 'grapevine'. The opportunity is also presented for union officials to offer advice of benefit to administrators. However, all routine dispute and dispute-related matters (exclusive of those which should be directed to the Public Service Board) are better conducted between the Industrial Officer and union representatives or their attorneys.

WESTERN AUSTRALIA

The settlement of police disputes in Western Australia follows very much the pattern already described in respect of the other commission states. But with respect to the settlement of award-related disputes, a major difference exists in the West. Under the provision of the *Industrial Arbitration Act, 1912*, either party to a dispute can register it with the Industrial Commission. Resolution must then be achieved within 21 days, a provision clearly favouring the complainant. As most disputes are initiated by the Police Union of Workers, Western Australia, the system mostly favours the union. Respondents are not only deprived of the opportunity to stall for time but should a dispute be in any way complex, little time is permitted development of a considered response. Conversely, the initiating party has all the time it requires to prepare its case in the first instance. The 21 day rule operates only in respect of award-related disputes.

All disputes may be subjected to mediation or arbitration in Western Australia. Initial action in the Industrial Commission is usually before a single Commissioner or the Commission's Registrar acting as a board of reference. An Industrial Commissioner may either conciliate a dispute and return it to collective bargaining or he may arbitrate it fully. A single Commissioner may for any

reason he considers proper, refer a matter to the Commission sitting in court session for consideration. A Commission in court session performs in a manner similar to a single Commissioner. It may either determine an issue and then return it to the single Commissioner or it may itself vary an award. The Commission in court session which consists of three industrial Commissioners, also hears appeals concerning decisions of a single Commissioner. In turn, decisions of the Commission in court session may be appealed to the full bench which comprises the President plus two industrial Commissioners. Appeals on questions of law lie to the Industrial Appeal Court. To date, only one police appeal has been taken to that court. Individual industrial grievances may be taken to an individual magistrate for adjudication. These various processes are shown at Figure 11. Another interesting feature peculiar to Western Australian industrial structures concerns the power of Industrial Commissioners to appoint independent mediators to a dispute with the consent of all parties. Interestingly, the Police Union of Workers and the Police Department of Western Australia have never taken advantage of the provision.

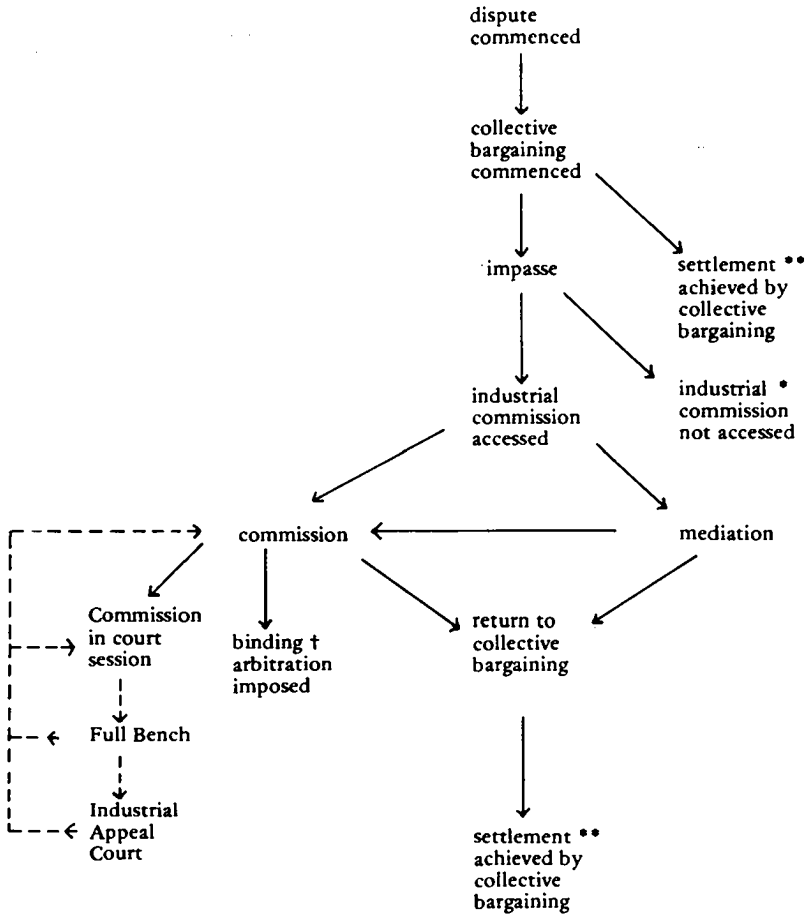
The Police Department does not possess an industrial officer as such. An Assistant Commissioner has been appointed and made responsible for industrial relations, including maintaining liaison with the police union. As elsewhere, this type of arrangement is not greatly conducive to the department achieving substantial industrial relations expertise as such appointees, despite their undoubted innate abilities, are not professional industrial relations personnel. Fortunately, the Police Union of Workers and the Police Department's relations are and for many years have been cordial. This cordiality is partly explicable in terms of the unique intra-departmental relations which exist in the West. Additionally and more importantly, most major disputes have involved the government, for example creation of a Road Traffic Authority or shortage of personnel, rather than departmental administration. Thus, employee dissatisfaction has tended to be directed at the government⁸ rather than at police administrators.

TASMANIA

Tasmania is unique among the states in that police award-related disputes are arbitrated by the Public Service Board, in the

FIGURE 11

Police Dispute Settlement Processes – Western Australia



OUTCOMES

- * dispute unsettled
- ** dispute settled by consent
- † dispute settled by arbitration

person of a Public Service Commissioner. Like Queensland, the Police Commissioner in Tasmania is the nominal police employer, even with respect to award issues. Non-award disputes are dealt with between the parties by means of collective bargaining but as the Public Service Board may not admit non-award matters to arbitration, the Commissioner of Police possesses a considerable formal advantage over employee representatives. Theoretically, award-related disputes may be settled by means of collective bargaining but ratification by the Public Service Board is required. In practice, due to the attitude of the Board, award matters are normally referred to the Board for settlement. The Public Service Board is expressly excluded from dealing with classification disputes by the *Public Service Act, 1973*.

Disputes dealt with by the Public Service Board are arbitrated by a single Commissioner. Appeals from determinations made by the single Commissioner lie solely to the Public Service Arbitrator. The Arbitrator's decision is final. At least it will be until late 1982 when as previously mentioned it is expected an Industrial Commission will be formed. These limited processes are depicted at Figure 12.

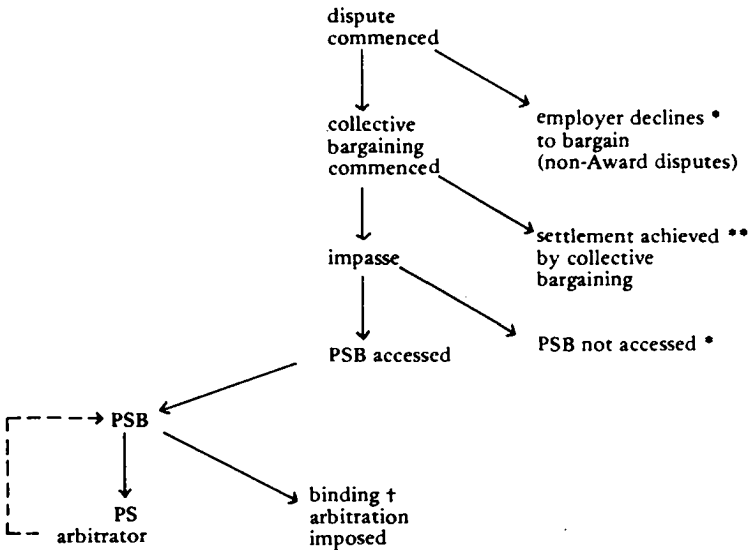
The Police Department of Tasmania has also appointed an Assistant Commissioner responsible for industrial matters. The inaugural appointee is the department's former part-time industrial officer. Such an appointment possesses obvious advantages, especially as he is a most competent official. Indeed, close communication is maintained between union management and the Assistant Commissioner on a daily basis. This close relationship has so far resulted in a great improvement in union-department relations, which previously had reached a low degree.

Rank and file interest in and support for the Police Association has traditionally not been strong. Yet in keeping with the trend apparent across the country, employee dissatisfaction in the Police Department is perceptibly growing. Issues have included unacceptably high rents placed on government housing, inadequate maintenance of departmental dwellings and erosion of police responsibilities in the traffic field.⁹ Recently improved relations between department and union have helped somewhat in offsetting the full force of members' dissatisfaction.

Industrial arbitration processes available to police in Tasmania are almost as limited as those obtaining in Victoria, although at

FIGURE 12

Police Dispute Settlement Processes – Tasmania



OUTCOMES

- * dispute unsettled
- ** dispute settled by consent
- † dispute settled by arbitration

least an appeal forum is provided. Given the pressure to utilise the Public Service Board's arbitration services, the lack of mediation and conciliation provisions is a definite disadvantage to the development of industrial relations expertise in the public sector. Perhaps this realisation has played a part in bringing about the predicted change to an Industrial Commission. The potential for unsettled disputes under present circumstances is on a par with those obtaining in Victoria and apparently greater than that applying in commission states. In addition to the extent there is any advantage in a police specific tribunal, Tasmania's police employees do not even enjoy that benefit. As with most systems which favour imposed arbitration, there is little motivation for parties to an industrial dispute to feel committed to the implementation of determinations. During 1981, the Association strongly expressed to the Premier its dissatisfaction with the Public Service Board, a view which in part reflects a broader lack of employee satisfaction with arbitration structures generally.¹⁰

DISCUSSION

Three general statements may be made concerning police dispute settlement in Australia which can usefully serve as a background to more detailed discussion. These broad characteristics are:

- formal structures are legally oriented;
- arbitration is not in practice available in respect of all disputes; and
- Police Officers' Awards are almost entirely confined to economic terms and conditions of service.

In addition to these structure oriented comments, it is observed that:

- departmental industrial relations expertise generally lacks professionalism; and
- police employees generally are a conservative industrial group.

EMPLOYER-EMPLOYEE FRICTION

Probably the greatest single source of conflict between unions and management with respect to dispute settlement concerns the question of management prerogatives. Police managements naturally wish to see no further erosion of its capacity to make decisions and manage. Employees on the other hand, wish to see their interests protected to the best extent possible, even if that protection involves further involvement in decision-making processes. Given a growing realisation that the generalised impacts of virtually every management decision affects employees in one way or another, for example health, safety and welfare, the number of disputes relating to management decisions and the power to make such decisions unilaterally can be expected to grow in the short mid-term at least. Public employers' accountability is to the public through government. Unions' accountability is to their memberships. The conflict inhering in these different accountability requirements is fundamental and does not permit of total resolution given present political structures.

However, much can be done in the short mid-term to minimise the inevitable friction which arises. First, police management must improve its industrial performance generally. It is no accident that with few exceptions police personnel administration has not developed beyond an elementary level. This fact reflects the near nineteenth century attitudes to personnel management prevailing in the upper echelons of most police managements even today. Police managers are by no means unique in this respect but they are generally more reactionary than most. Personnel are the most precious resource a department possesses. Management styles and policies which result in significant proportions of members being lost by virtue of sick leave, premature retirement, discharges resulting from indiscipline or dishonesty and resignations resulting from frustration, represent lost investments totalling millions of dollars. Management styles and policies which result in unnecessary levels of dissatisfaction among members and which result in members giving less than their best sustainable performance, represent massive unrealised productivity in terms of both quantity and quality of service.

There is need for a great deal of research in this area to establish just what is possible. Miracles are not expected of management.

There will always be dissatisfied members. For one thing, management does not control all determinants of dissatisfaction. There will always be some lazy and dishonest employees. It is reasonable to expect however, that management perform in a manner designed to minimise such conditions. Management styles in all police agencies encourage unnecessarily high levels of employee residual dissatisfaction as well as a greater range of grievances and disputes than is desirable. There is naturally, considerable variation between departments in this respect. It is nevertheless, a matter of some urgency that the various police managements take stock of their performance in conjunction with their initiatives in upgrading industrial performance. In so doing, they will certainly reduce the intensity of challenges to their prerogatives. The repertoire of methods, styles, programs and systems designed to make police work more pleasant and effective is extensive. Only the will to fully utilise them seems lacking.

At the present time, and stemming in large part from authoritarian management styles, the gap between perceived personal and organisational needs seems to be growing in all Australian police forces. The closer the identification of individual members with their respective managements, the less will be the potential for dispute. It is not expected in Australia's industrial climate that a situation is achievable in which, as occurred in New York State in 1978, a union official sincerely suggested that such was the close association between subordinates and superordinates in the Division of State Police that in the event of an awarded pay rise impeding performance, for example seriously reducing its vehicle fleet, members would forego their pay rise or a portion thereof.¹¹ But employee relations can nevertheless be considerably improved. Employee cohesion in the face of external criticism of departmental performance or the police occupation generally is legendary. Internal cohesion on the other hand is almost invariably low. Improved internal cohesion cannot occur until employees are appropriately motivated and that motivation depends upon the encouragement of appropriate employee attitudes to management. Appropriate employee attitudes are the reflection of appropriate management attitudes.

Collective bargaining is declining as a settlement process in major police dispute resolution. Several factors influence this trend, not all of which are within the control of police adminis-

trators or other employer representatives, for example increasing competition for public funds. Increasing employee concern with areas considered by management to be its exclusive province is another reason. Complicating this particular factor is the limited performance of departments in terms of professional labour relations. Even where effective industrial officers are employed they are overworked and afforded insufficient authority within their respective organisations to permit them to be as effective in cooling the industrial climate as they might. Greater authority, greater time and greater expertise will enable departments to bargain far more effectively to reduce friction between the parties. In so doing, not only will less reliance need to be placed on industrial tribunals but better decisions should be realisable. Much dissatisfaction is created among union officials when departments refuse to bargain. By developing collective bargaining expertise, departments could do much to disperse union and employee frustrations in this respect. It is not only a matter of departments refusing to bargain on matters they consider unions have no authority to concern themselves with. In more than one department, decisions to bargain have at times been determined purely by the emotional and irrational reactions of administrators. Imaginative and competent industrial officers working within a professional environment would preclude the possibility of such unfortunate behaviour.

STRUCTURES

Formal arbitration and conciliation structures available to police fall into three distinct types: (a) industrial commission; (b) wages tribunal; and (c) Public Service Board. The latter body need not concern us as it is expected to be replaced. The Commissions, with the exception of constraints on access by the Police Association of New South Wales, formally offer (in theory at least) total arbitration and conciliation services. In practice, they are generally restricted to award-related matters. When disputes become sufficiently serious, for example a police strike, or industrial principles are involved, their normal boundaries are extended. Conciliation provisions although not frequently utilised, are highly desirable as an aid to effective collective bargaining. They will only be utilised effectively once the excessive degree of

reliance on arbitration decreases. With respect to the Police Service Board of Victoria and the Public Service Board of Tasmania, even less concern with conciliation is manifested in practice, with most award variation applications being heard in full by the respective tribunals.

All these formal structures are extremely legalistic in style. A considerable body of labour law has developed over the years and evidence is presented in an adversary format. This legalistic style is not best suited to the resolution of industrial disputes, encouraging as they do combative attitudes and protracted arguments. The involvement of judges in the process, whether as Chairman of the Police Service Board or as adjudicators in certain Industrial Commissions, that is New South Wales, Queensland and South Australia, is also conducive to the maintenance of legal forms. The hiring of lawyers as advocates, in some cases obligatory, not only makes arbitration expensive but does little for speedy resolution. Despite Henry Higgins early enthusiasm, labour relations is a most unsuitable province for the application of processes designed for the maintenance of law and order.¹² Finally, as has been mentioned previously, the making of awards and determinations or variations thereof by means of imposed arbitration does nothing to encourage client commitment to the observance of award outcomes. Should police labour relations deteriorate in the short mid-term future, with employees becoming radical, the importance of client commitment to award observation and maintenance will become more apparent.

The present practice of Police Officer Awards/Determinations being confined solely to economic matters is a matter for adverse comment also. The origin of this practice is unclear and goes back to the early days of police administration in Australia. From the beginning, most administrative detail has been included either in statutory regulations or rules subsuming thereunder. Once questions of remuneration and economic conditions became contested they alone were available to be included in separate determinations. There is no reason though, why many conditions of service should not be negotiated, for example complaint processes, and placed in awards. Or, if collective bargaining is carried to its logical conclusion, placed in a contract. The present huge superstructure of industrial commissions, courts and tribunals seems to be no more effective in maintaining industrial peace than collective bargaining.

The cheaper option, which emphasises industrial expertise on the part of disputants, seems highly desirable. When impasses occur as sometimes they must, mutually acceptable arbitrators could be selected from panels provided either by state governments or volunteer labour relations bodies. For police, given the legal prohibitions on strike action placed on them and in the absence of a non-strike allowance, a system of final best offer bargaining is desirable on those occasions arbitration is absolutely unavoidable. Such a measure should at least encourage greater commitment on the part of negotiators and union executives to support the resulting contracts or awards.

Two obvious points exist in relation to procedural reforms as suggested above with regard to problems of change. First, all current labour relations practitioners have become accustomed to the prevailing style and are, despite its limitations, largely satisfied with it. Reform not only poses problems of attitudinal change for them but carries implications for psychic and economic discomfort. Second, even if there were general acceptance of the need for change in dispute settlement structures, implementation would take a long time. Perhaps necessary changes will only come about as a result of rank and file employee refusal to follow established practices. For this to happen, unions would perhaps suffer a loss of control over their members. Of course, these speculations insofar as they refer to unions not operating before police specific arbitral tribunals, are predicated on two assumptions. First, that the police service can be considered in industrial isolation. Second, that the basic formats of police union representation remain unchanged.

SUMMARY

All states provide formal and legally oriented structures for the conciliation and arbitration of police industrial disputes. Only Victoria, apart from the Northern Territory has a police specific tribunal. The commission states formally, with certain exceptions in the case of New South Wales, permit the entire range of union disputes with employers and *vice versa* access to these structures. However, the reality is that disputes involving management prerogatives are rarely arbitrated.

Police Awards/Determinations are almost exclusively confined

to economic considerations. The current practice of placing administrative provisions under legal or quasi-legal protection makes this situation inevitable but it does not have to be. Arguably, industrial relations would be improved if selected areas such as complaints procedures were placed within awards.

Without exception, police arbitration structures are imposed upon disputants and would seem to involve greater disadvantage to employees than employers. The situation could be improved considerably if the various processes were more nearly equitable. If at the same time, greater emphasis were placed on collective bargaining, it is felt that not only would employee commitment to the success of arbitrated decisions increase but that the industrial disadvantage suffered by police employees by virtue of the proscription on their right to withdrawal of labour would be to some extent offset.

Police departments need to place far greater emphasis on industrial expertise. To do this, greater levels of delegation and industrial professionalism must be achieved.

The continuing change from emphasis on collective bargaining to arbitration in the police industrial arena is indicative of a deteriorating industrial relations future. The point adds urgency to arguments for the reform of conciliation and arbitration structures and improved industrial expertise. Much of the deteriorating industrial scene will revolve around issues broadly considered as management prerogatives. As long as the principle remains, some tension is inevitable; but it can be minimised.

It should not be considered that change is required only from employers. Police unionists too, need to revise their attitudes and practices no less than employer representatives. Changes in attitude will be just as difficult to achieve as changes in structure, the two factors being closely linked.

Finally, the never-ending quest for greater economic reward has to reach a limit sometime. At that stage governments will have to open their ledgers to public employees so as to assure them that reasonable proportions of the public purse are being expended on salaries as opposed to equipment and capital costs.¹³ In the lead up to that state of affairs, it can be reasonably expected that the already reducing industrial conservatism of police officers will evaporate significantly.¹⁴ If police administrators have not prepared their ground well, for example encouragement of profession-

alisation, they will no longer be able to rely on traditional practices and employee loyalty.

1 There are minor exceptions to this statement which are mentioned during the course of the chapter.

2 J.H. Portus, *Australian Compulsory Arbitration 1900-1970*, Sydney: Hicks Smith & Sons, 1971, ch. 1.

3 P.H. Moore (ed.), *Industrial Relations in Australia*, Sydney: West Publishing Co., 1974, ch. 9.

4 A bargaining agent is a union or association industrially servicing a bargaining unit. A bargaining unit is a group of employees possessing an industrial entity and who are the subjects of an award or determination. The Police Departments of New South Wales and South Australia commissioned officers each have their own associations. Both associations are registered with their respective public service associations. The Public Service Associations are the formal bargaining agents in respect of award matters but the officers' associations on occasions negotiate non-award matters with employers. Interestingly, in Australia there is little distinction between agent and unit, apart from the two officers' associations just mentioned. Elsewhere, for example the United States of America, their discreteness is much more marked.

5 *New Zealand Police Association Newsletter*, vol. 11, no. 6, July 1979, p. 62.

6 Final best offer bargaining involves both parties to an impasse dispute submitting their solutions to an arbitrator. It is usually employed in respect of economic claims. The arbitrator having already decided what he feels is a reasonable solution, submits the offer closest to his own. This requirement keeps the parties from submitting extreme bids. A precondition to final best offer bargaining is that the arbitrator's choice is binding. It enjoys the advantage that at least one party leaves the table satisfied and committed to the result.

7 Bruce Swanton, *Police Institutions and Issues*, Canberra: Australian Institute of Criminology, 1979, ch. 5.

8 I.T. Fraser, 'Industrial Arbitration Act and Procedures', *Police News*, (Western Australia), vol. 66, no. 3, July-August 1981, p. 32.

9 *Tasmania Police Journal*, vol. 56, no. 3, May 1981, p. 2.

10 *Tasmania Police Journal*, vol. 56, no. 6, August 1981, p. 40.

11 Personal communication ex Sergeant G. Held, 24 May 1978.

12 H.B. Higgins, *A New Province for Law and Order*, London: Dawson of Pall Mall, 1968.

13 I.T. Fraser, 'Where is the Money Going?', *Police News*, (Western Australia), vol. 66, no. 2, May-June 1981, p. 3.

14 *The Daily Telegraph*, 9 July 1981, p. 4.

Chapter 5

Police Union Objectives, Structure and Process

It has been observed that 'modern man is man in organisations'.¹ Most modern organisations are definable as goal directed and boundary maintaining activity systems.² Implicit in this definition is structure which provides the necessary nexus between goals and activity.

In classifying formal organisations, one useful criterion is that of principal beneficiary. For example, public companies exist primarily to provide income for shareholders. Service organisations are designed to address community needs. Mutual benefit organisations promote certain of their members' interests, for example R.S.L. and senior citizens clubs. Police associations and unions are classic mutual benefit organisations being constituted to promote specified objectives on behalf of their members.

The broad purposes of organisations are rarely stated, often being difficult to articulate. Purposes are more than just aggregations of members' actions though;³ the closest approximation being perhaps, that they are the sum of members' expectations. In the case of mutual benefit organisations 'members' can be taken to include both dues paying members and executive level employees. Organisational purpose is usually most closely expressed in the form of primary or corporate objectives and goals. Objectives statements exist in most formal organisations. The extent to which they are reflective of organisational activities is of course another matter. Certainly, all police unions have their own statements of objectives. In the industrial commission states, an approved formal objectives statement is necessary for registration to be effected. However, in addition to formal and stated objectives, all organisations have informal goals; a lag invariably existing between the two. To use a criminal justice example; goals are commonly said to exist to rehabilitate those confined in them. A corrections agency

that did not have prisoner rehabilitation listed as one of its primary goals would be a rarity. Some research has shown however, that custodial staff generally favour security at the expense of treatment. Thus, although a prison system may have a formal objective of correction, its primary objective in practice may well be that of custody.⁴

Formal objectives also involve other disadvantages. They are sometimes phrased in such general terms as to defy conscious compliance and therefore measurement; sometimes being nothing more than expressions of sentiment. Some may be mere public relations flak. One pharmaceutical company lists a corporate objective as 'Bring the peoples of the world medicines and solutions for better health'. Another objective of the same company is listed as being 'To make increased profits year after year'. Regardless of the problem of defining 'peoples of the world', it seems that health is of little concern to the company if people cannot pay for the medicines and solutions offered. The former objective is clearly subordinate to the latter and does not bear expression at the same level of primacy. In this example, the former objective seems to be included in the organisation's primary goal statement mainly for the purpose of image creation. To be realistic, the objective in question should be stated in far more qualified terms.

Organisational structures are influenced by the purposes and objectives applied to them.⁵ Thus, in addition to classifying organisations in terms of beneficiary, it is also possible to type them by function. The structure of a knowledge oriented organisation such as a firm of attorneys for instance, is very different from that of an action oriented organisation like a Fire Brigade. Means of production also bear heavily on structure as similar functions may be implemented by different means, for example manual or electronic.⁶

Just as formal structure is a partial reflection of objectives, so too is function a partial reflection of structure. There are of course, many competing variables, including size of organisation,⁷ which bear significantly on the form and style of an organisation's structure and function. Thus, not only is considerable flexibility possible in the ways an organisation's members operate in strictly pursuing the goals or objectives provided them but there is also scope for considerable loss of fit between formal objectives and organisational behaviour.

No facet of organisational phenomena is simple and measurement is at best both complex and imprecise. It may be expected that organisational efficiency is best served by appropriateness of objectives and the tightness of fit between objectives and function. However, in high demand situations even incompetently managed companies may show profits, whereas in low demand situations expertly managed organisations may go to the wall.⁸ Thus, even efficacy of operation is not always a determinant of success. As a general proposition though, it is submitted the greater the appropriateness of organisational objectives and the closer the fit between function and objectives as mediated by structure, the greater will be an organisation's potential for effective performance.

In this chapter the objectives, structures and selected functions of police unions are briefly examined on a state by state basis. Broad conclusions concerning the determinants of structure and function and their relationship with objectives are offered.

OBJECTIVES

NEW SOUTH WALES

The objectives of the Police Association of New South Wales are listed in the Association's *Rules* which are registered with the New South Wales Industrial Commission. The rules of the Police Association and the objectives contained therein, are required to be consistent with the state's industrial legislation as well as approved by the Industrial Commission. Principal Police Association output objectives are:

- to conduct negotiations and enter into agreements with the relevant authority or ledge applications with industrial tribunals respecting rates of pay, allowances and conditions of service of members;
- to secure preference to members of the association;
- to inquire into and secure fair and reasonable adjustment on behalf of members in cases of any charge, suspension, reduction in rank, position or rank and pay, dismissal or retirement;

- to secure redress for any grievance to which members may become subject;
- to afford opportunity for full discussion of any subject relating to the general welfare of the police association, and to use all reasonable and constitutional means in dealing with any matter;
- to provide means for combined action in matters affecting the welfare of members;
- to advise and assist members in preparing and placing cases before any departmental inquiry or appeal tribunal and to provide financial assistance and legal aid in accordance with these rules;
- to establish welfare schemes approved by annual conference for the benefit of members, their families or nominees; and
- to promote the interest of the police service by every means consistent with its rules, and with loyalty to the government of New South Wales.

A complete statement of the Police Association's objectives is given at Annex D.

VICTORIA

The objectives of the Police Association of Victoria are included in the Association's memorandum of association, which is registered under Victoria's *Companies Act, 1961*. The Police Association's list of objectives is considerably longer than that applying to any other state, partly by reason of the requirements of the controlling legislation. The Police Association of Victoria is a registered business company, not a registered industrial organisation. The lack of an industrial commission in Victoria precludes the Police Association from being able to register as an industrial body and thereby achieving such protection as is afforded by industrial law. The Chief Commissioner's action in the mid 1930s in smashing the then Police Association of Victoria left members in no doubt as to the capacity of their employers to be totally ruthless should the necessity arise. Legislation under the *Police Regulation Act, 1928*

forbade the Police Association linking itself with any other union. The only other form of corporate registration which could provide some protection in the event of further attacks on the Association was company registration. The *Companies Act* provided such cover and was thus utilised. A full list of the Police Association's objectives is provided at Annex E. Primary output objectives are shown below:

- to promote the interests of members of the police force of Victoria by every means consistent with the provisions of the *Police Regulation Act* and any regulation made thereunder;
- to regulate the relations between members of the association in order to maintain a contented and loyal police force;
- to improve the conditions of employment and service and to promote the welfare of members generally;
- to promote discipline in the said police force and concord between officers and men with a view to improving the efficiency of the said force;
- to use or make provision for or organise the use of any lawful means in dealing with any matter which may affect the welfare of its members;
- to protect the rights, powers and privileges of the members of the Association and provide legal assistance to members;
- to assist members who have been injured in the execution of their duty and to safeguard the interests of members in such cases, any financial aid to be subject to the approval of the Executive of the Association;
- to provide gratuitous relief by means of pecuniary or other assistance of necessitous persons who are or have been members of the Association, their widows, children and immediate relatives dependent upon them;
- to affiliate with any other association, society or federation in the Commonwealth of Australia having similar objectives to the Association;
- to establish and support, and to aid in the establishment

and support of any other Associations formed for all or any of the objects of the Association; and

- to establish and maintain a benefit fund.

QUEENSLAND

The Police Union of Employees, Queensland is registered with the state's Industrial Commission. The union's rules were first registered as early as 1915. The full list is given at Annex F. Principal output goals are shown below:

- to deal with all matters appertaining to the advancement of police duties and the rule of law;
- to act as an intermediary between the members of the union and their employers, and to promote goodwill and discipline in the police force;
- to secure adequate salaries and conditions for members of the union;
- to protect and advance the interests of members;
- to maintain a legal defence fund for the benefit of members;
- to maintain a sick and incapacity fund for the purpose of assisting financial members whose pay has ceased or has been reduced in accordance with the police award;
- to assist other police unions and/or associations in Australia when occasion arises;
- to maintain a mortality fund;
- the union may represent its members in any industrial matter;
- to maintain a sick leave bank for assistance to members incapacitated and who would otherwise be on leave without pay;
- to inaugurate and maintain a police legacy fund; and
- to maintain a suspension fund.

SOUTH AUSTRALIA

The objectives statement of the Police Association of South

Australia is contained in that body's *Rules*. The *Rules* are registered under the state's *Industrial Code*. The entire list of the Police Association's objectives is contained in Annex G. The association's output goals are:

- to promote the interests of the members of the police service of the state of South Australia by all means consistent with these rules and with loyalty to the government of South Australia;
- to afford opportunity for the discussion of matters affecting the police service;
- to provide for combination of action in matters affecting any members or member of the Association;
- to consider, and if necessary to endeavour to obtain redress or for settlement of any grievances of complaints affecting the Police Service (sic); and
- to encourage *esprit-de-corps* among members of the police force of South Australia.

These objectives were under review at the time of writing as the Association's management had requested a management consultant to consider them in the light of current and long-term needs.

WESTERN AUSTRALIA

The objectives of the Police Union of Workers, Western Australia are contained in that union's *Constitution*, which is registered with the state's Industrial Registrar. The list of objectives shown below is short, all items being output objectives:

- to promote the interests of the Police Service by every means consistent with its regulations and with loyalty to the government of Western Australia;
- to afford opportunity to discuss matters affecting the welfare of the Service, and to provide means for combined action in matters affecting any member thereof;
- to consider any grievances or complaints affecting the police service, and to use every endeavour to obtain redress

or settlement by means of such representation to the government through the Commissioner of Police as may be deemed necessary, provided that no representation of individual cases of grievances or complaints shall be made, unless the board of which he is a member notify the council that it considers he has been unjustly charged or has a legitimate grievance;

- to encourage *esprit-de-corps* among members of the Police Force; and
- to pay a death levy on the death of any member or a member's wife or husband as provided for in rule No. 38.

TASMANIA

The rules containing the Police Association of Tasmania's objectives are not required to be approved by the Public Service Board. Primary output objectives are shown below, the complete statement being given at Annex H:

- to promote the interests of the Police Service by means consistent with its regulations, and with loyalty to the government of Tasmania, British Commonwealth of Nations and Her Majesty the Queen;
- to afford full discussion of any subject having relation to the general welfare of the Association and to provide for the use of its members all reasonable and constitutional means of dealing with any matters affecting any member thereof;
- to secure redress for any grievance to which members may become subject, where there is just cause;
- to enquire into and secure fair and reasonable adjustment on behalf of members in the case of any charge, suspension, reduction in rank, position, or rank and pay, dismissal or retirement;
- to advise and assist members in preparing and placing cases before departmental enquiry;
- to secure preference for members of the Association;

- to enter in agreements respecting rates of pay and conditions of service with any authority acting on behalf of the government;
- to provide means for combined action in matters affecting the welfare of members;
- to establish a sick leave bank to provide assistance for members, who are, or who become sick, and as a result thereof are receiving less than their full pay, in accordance with Police Regulations;
- to inaugurate and maintain a Credit Union Cooperative Society within the Association;
- to provide financial assistance to members on the death of a member's wife or dependent child, and to provide funeral assistance to the widow or next of kin of the deceased member;
- to secure or assist in securing legislation for the protection of the interests of the Association and for the general and material welfare of its members;
- to assist other Police Associations or Unions in the Commonwealth of Australia to pursue objects consistent with the objects of the Association; and
- to give legal assistance in connection with all or any of the objects of the Association within the limits allowed by law and the by-laws of the Association.

OBJECTIVES GENERALLY

Formal organisations are distinguishable from other forms of social organisation by their articulated objectives.⁹ Objectives naturally vary in accordance with the competing influences of the various factors involved but even within similar industries some variety may be evident.

One of the major characteristics of police union output goals is the difference between unions concerning the number of objectives specified. Victoria, Queensland and Tasmanian unions have the greatest number of stated objectives and thus specific goals. It is noted in passing that the majority of these specific goals are welfare

oriented. Police unions in South and Western Australia have relatively few stated objectives, with the result that their goals tend to be generally stated. The Police Union of Workers, Western Australia was formed very shortly after the Police Association of South Australia and apparently used that state's objectives statement as the basis for its own. A group of South Australian police officers formed a committee in the latter part of 1911 to compile the embryonic Association's goals. It is known the committee corresponded with police personnel elsewhere in Australia and overseas but as the Police Association of South Australia was probably the first formal police industrial organisation within the British Empire, there would not have been a great deal of police industrial expertise available for them to draw on. In any event, the list of objectives eventually settled on is limited. It is interesting though to note that no welfare need is expressed in the objectives of these two unions. It is difficult now to be sure if welfare was a concern of early South and Western Australian police unionists. Perhaps the framers of the *Rules* thought the matter was so evident it did not warrant mention. The strong commitment to industrial action evident in the goal statements is indicative of the pressing economic needs of police rank and file members at that time. In any event, welfare is as evident in the modern Police Association of South Australian and the Police Union of Workers of Western Australian activities as it is in the activities of other police unions. The Police Association of New South Wales falls between the two extremes with a mix of general and specific objectives.

Some of the objectives listed are altruistic sounding, projecting a professional viewpoint but the majority concern benefits for members; including in the cases of the Police Associations of New South Wales and Tasmania, a goal (unrealised as yet) of preference for unionists. Given the universal official unease that accompanied the formation of all police unions, it is probable the altruistically expressed objectives were designed in part at least to pacify anxious police authorities. In the case of the Police Association of South Australia and the Police Union of Workers, Western Australia, the encouragement of *esprit-de-corps* was added, one suspects also as a sop to ministerial unease. In all, five of the six unions possess objectives which specify general support for the police service. This function is in fact performed from time to time by unions in the face of public criticism or criticism from particular sources, for

example lawyers or parliamentarians. Members demand such support be given especially in the absence of response from official quarters. Generally speaking, unions have not taken this role to its logical conclusion and promoted the service in a proactive and planned manner as does, for example the Teachers' Federation. There are occasional exceptions though, as when worthy causes are publicly sponsored or promoted by some police unions. Despite these limitations, the role involved is consistent with a professional potential, although lacking appropriate motivation at the present time.

The Police Association of Victoria alone took a slightly different tack. The formula of promoting the interests of the police service utilised by the other unions, was amended to read 'promote the interests of members of the police. . .'. Several other Police Association's objectives flesh out that goal in terms of promoting discipline, good relations between officers and men, morale generally and 'watch over and control the conduct of its members and insist on prompt and diligent execution of their duties by them. . .'. This latter provision was repealed in 1980, presumably to more accurately reflect the realities of the situation. Even though this particular change may appear to indicate a retrogressive step, it is certainly preferable to closely reflect actual situations than formally present goal statements which are not compiled with. Certain activities of the Police Association of Victoria in recent years, such as job actions and the holding of meetings at which friction between commissioned officers and subordinate members was apparent, made it apparent such goals are not always possible when commissioned and non-commissioned ranks are joined in the one bargaining unit. Although unions defend the service, that is their host organisation and its individual members, it is noticeable that appreciation of occupational concerns is lacking. In particular, there is no formal evidence of concern for professionalisation of police and the possible future role of police unions as professional associations. If police are not to miss out in the rush to professionalisation, the time has arrived when such considerations should be recognised and explored.

The largest group of police union objectives refers to economic and welfare goals. Often the term welfare is used in a general sense incorporating both the economic and 'health and comfort' interests of members. Other objectives relating to welfare refer to specific

welfare interests, such as mortality funds and sick leave banks. It is thus difficult to distinguish clearly the proportion of objectives relating specifically to economic interests. Welfare oriented goals of all types comprise more than one half, that is some 53 per cent of all stated output goals. This category presumably indicates the major intended thrust of police union activities and operations. The only other major groups of objectives relates to the rights of members. Rights of members referred to in the various objectives statements relate principally to assisting members encountering disciplinary problems and where necessary providing financial support.

It is noticeable the Police Association of South Australia and the Police Union of Workers, Western Australia, objectives make no specific reference to rights of members but generally expressed statements relating to both unions can be interpreted to cover such matters. The greater concern evident with the rights of members in relation to matters of discipline in the objectives statements of the Police Associations of New South Wales, Victoria, and Tasmania and the Police Union of Employees, Queensland, possibly reflect particular instances or situations that have existed in the various departments in years bygone that led to the formal statement of such provisions. One point which emerges strongly is that the more specifically objectives are framed, the greater the potential for goal conflict among union activities; a conflict which can only be avoided by favouring one goal or set of goals at the expense of others. More generally expressed objectives on the other hand, permit union executives far greater flexibility, although the potential for debate and dispute among members as to what is permissible is accordingly greater.

In sum, the formally stated objectives of the various police unions represent an interesting amalgam of needs and wants; some expressed specifically, others generally. The distinction between the emphasis on industrial matters as indicated by the Police Association of South Australia and the Police Union of Workers, Western Australia, and the more general welfare oriented approach exemplified by the Police Associations of Victoria and Tasmania and the Police Union of Employees, Queensland is quite marked. Whatever differences of orientation this distinction may have evidenced in the past, little difference is apparent today in practice. Although the various unions differ considerably one from another,

as do their host departments in terms of style and ethos, they all perform largely similar functions. All are employee representatives to the various Police Officer Awards/Determinations. Some variation of emphasis in respect of purely welfare matters is evident between unions but this fact more probably represents differences in membership demand rather than a conscious difference of policy among union managements. It is variations of this nature and the capacity to cater for same, that makes state police unions so desirable. A national police union, even with state branches, could not hope to match such performance in terms of sensitivity to local membership needs and local conditions. All union objectives statements, regardless of how they are expressed, provide sufficient scope for union managements to justify doing whatever they consider necessary in the service of their members. Members' interests and welfare, that is protection, comprise a universal dimension which can be used as justification of virtually any action or policy a police union may wish to pursue. This fact makes consideration of matters such as goal displacement virtually meaningless.

The functions both implicit and explicit, contained in the various objectives discussed above suggest five major roles of police unions:

- bargaining agent for rank and file members (plus commissioned officers in some states);
- provision of welfare benefits and services;
- provision of legal aid and assistance;
- obtaining resolution in respect of members' grievances; and
- promotion of the police service.

STRUCTURE

'The structure of an organisation is', as Pugh *et. al.* have observed, 'closely related to the context within which it functions.'¹⁰ Numerous writers have discussed the various factors bearing on organisational design. Thus in addition to objectives, Max Weber argued size is a critical variable.¹¹ Technology was argued to be influential by Perrow¹² and Dubin even suggested service is the

essential element.¹³ In this section, each union is briefly described in terms of formal structure. Common characteristics are identified and discussed.

NEW SOUTH WALES

The Police Association of New South Wales is the largest in the country, servicing nearly 10,000 members. Its secretariat comprises a number of executive members and support staff. Executive staff include: (1) secretary (administration); (2) secretary (industrial); (3) secretary (legal); (4) finance officer; and (5) two seconded field officers. The secretary (administration), in addition to attending to administration generally, also acts as the association's public spokesperson. A thorough reformation of the union's structure and roles has resulted in the line of control running directly from each executive staff member to the union's president. This structure is not only predicated on the president being permitted to serve fulltime in his union office but on the union's being able to pay his salary or part salary. Prior to mid 1981, the secretary (administration) exercised a considerable degree of autonomy within the secretariat (being then known as the General Secretary), including control of employed staff. One result of the reorganisation is that the association's paid executive employees are now individually accountable to a police officer, that is the President and through him to the executive committee.

The structural innovations described here are common to many small American police unions, where the president is often the chief executive in practice as well as nominal head of the organisation. This restructuring depends in part on the ability of the president (and executive committee) to adequately control and direct the association's employed staff and represents a significant swing in the internal power relationships of the union — a move favouring the president. The question now being asked of course, concerns the amount of executive talent within the association. Should there be insufficient supply of competent administrators or regardless of the supply, an incompetent administrator be elected, the new structure could become inappropriate. As a return to the previous structure could be difficult to effect, some apprehension is felt in some quarters of the union concerning the long-term appropriateness of the present structure. The question

cannot be given a long-term answer but over the next five years or so, the reserve of employee talent capable of maintaining a dynamic and progressive presidency appears adequate. Although such a reservoir of talent does not guarantee an administratively incompetent president is not elected, it does provide reasonable grounds for optimism.

The governing body of the Police Association is the executive committee. The chairman of the executive committee is the association's president who is elected by members' delegates at annual conference. Annual conference is the association's supreme body. The executive committee meets frequently as a whole to debate all matters referred to it from conference, branches or the secretariat. In addition, executive members may themselves initiate agenda items. The executive maintains a number of sub-committees for purposes of policy formulation, research and the monitoring of ongoing situations, for example equipment and finance. A further refinement which not only cements executive control of secretariat staff and relieves the pressure on the fulltime president but develops the knowledge and administrative expertise of executive members as well, is the appointment of selected executive members to monitor each of the secretariat's four departments. Such members perform a liaison and advocacy role.

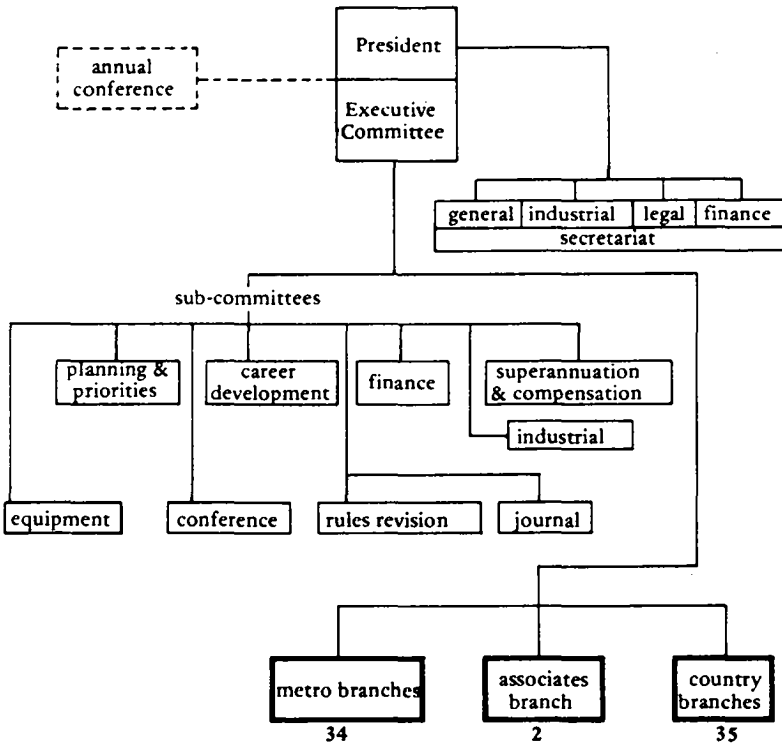
The membership of the Police Association is divided into 71 branches. Branches are equally divided between metropolitan and country areas, plus two associate branches each of which contains two sub-branches. Associate branches elect one delegate each to annual conference. Associate delegates may vote only on issues directly affecting the interests of associates. Each branch is coordinated by a secretary and elects a delegate to annual conference. The formal structure of the Police Association of New South Wales is shown at Figure 13.

VICTORIA

The Police Association of Victoria is the country's second largest police union representing more than 6,500 members. The Police Association's secretariat includes a seconded regular police officer as secretary, a seconded field officer, together with an assistant secretary, research officer, accountant and support staff. The secretary of the Police Association manages the secretariat

FIGURE 13

Police Association of New South Wales Organisation



under his own authority. The balance of power between president and secretary in the Police Association tends to be with the secretary and as such is consistent with the Australian tradition. He is nevertheless subject to direction by the executive committee as indeed are all union secretaries.

The association's 12 person executive committee is the committee of management and has five standing sub-committees covering: (1) industrial; (2) journal; (3) legal; (4) legal costs fund; and (5) police/lawyers liaison. Four executive members retire each year, thereby ensuring a degree of continuity in the union's management.

The membership of the Police Association forms 30 branches each having a delegate. The association's annual general meetings are attended by those members wishing to do so rather than delegates, and is the primary policy making body in the organisation. Branch delegates act as liaison between members and the executive committee.

QUEENSLAND

In the Police Union of Employees, Queensland, the general secretary is supported by a secretariat comprising a research officer (read assistant secretary) and five support staff. Neither the secretary nor the research officer are serving members of the Police Union of Employees, although both have previously served in that organisation, having had to resign in order to take up their present positions. The position of general secretary is normally subject to election each three years, which is unusual among police unions in Australia.

The officer of general president is voted upon by the 4,500 members at the union's elections but other executive office holders, that is general vice president and general treasurer, are elected by the committee of management's eight members.

The Police Union of Employees' management committee is termed the general committee of management, which is headed by the general president. The relationship between general president and general secretary is consistent with traditional Australian practice, although in recent years presidents have perhaps become marginally more influential. However, the general secretary is still unchallenged within the secretariat. The Police Union of Employees

general committee of management plays a rather more critical role in union management and policy formulation than is the case in other Australian police unions. This phenomenon flows directly from the vast size of Queensland and its decentralised population. Due to the expense of bringing so many delegates from distant locations, conferences are held triennially. A triennial conference understandably plays a relatively smaller role in union policy formulation than do annual or biennial conferences. To the extent that conference is less influential in Queensland, a greater load is placed upon the committee of management. A practice has emerged over the last decade whereby both the general president and general secretary are permitted to make public statements.

Members of the Police Union of Employees' eight regions are organised into 33 branches and 11 sub-branches. Both branches and sub-branches have secretaries. Sub-branches are necessary because of the large size of certain branches. Eight regional representatives, all of whom must either work in Brisbane or within 200 miles thereof comprise the general committee of management. The structure of the Police Union of Employees, Queensland is sufficiently different from the Police Associations of New South Wales and Victoria to warrant an organisation chart of its own, see Figure 14.

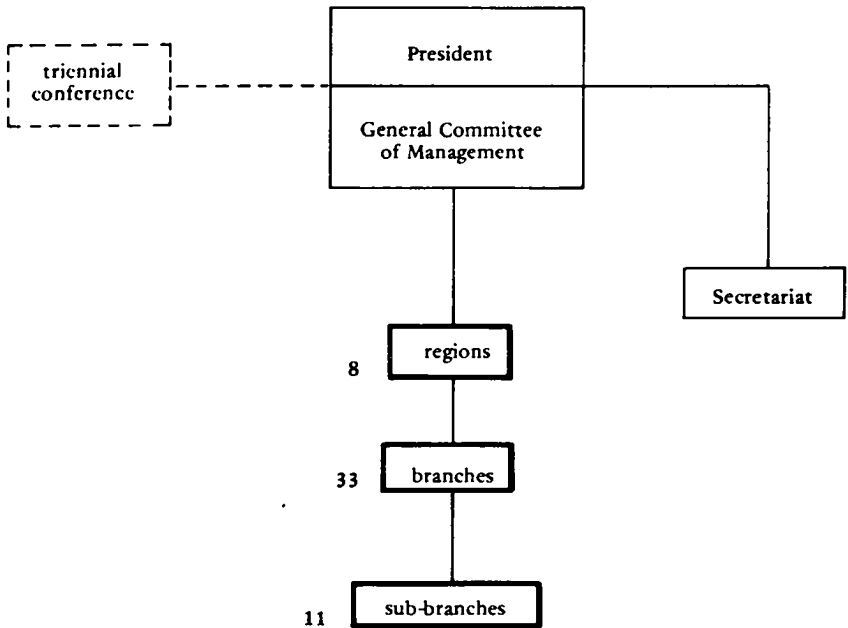
SOUTH AUSTRALIA

The day to day management of the Police Association of South Australia which covers in excess of 3,000 members, is conducted by the secretary. That officer is aided by an assistant secretary and a number of support staff. Together they comprise the association's secretariat. In the traditional manner, the secretary exercises control within the secretariat and is the association's media spokesperson. A shift in balance has occurred in recent years in which the secretary's power has eroded somewhat and the president has consequently become more powerful in the relationship. This shift in the balance of relationship between office holders has not been institutionalised by means of structural shape as has been the case in the Police Association of New South Wales. Thus, given different personalities, the balance is capable of further shifts.

The Police Association's executive committee is chaired by the

FIGURE 14

Police Union of Employees, Queensland – Organisation



president. The president is elected by the committee. Like other office bearers he is subject to election on a biennial basis. In the Police Association of South Australia then, unlike the Police Association of New South Wales and the Police Union of Employees, Queensland, the president is directly vulnerable to committee pressure. The committee has a number of sub-committees, including: (1) journal; (2) constitutional; and (3) legal assistance.

The Police Association's membership is territorially organised on a similar basis to that of the Police Department of South Australia. Each region has a delegate who provides liaison between members and the executive committee. Delegates are appointed to office unless an election is indicated by reason of competition for office. The Police Association conducts an annual general meeting which is the association's supreme body. Delegates' meetings are held periodically to permit discussion of major employee grievances and association policies.

WESTERN AUSTRALIA

Servicing some 2,500 members, the Police Union of Workers, Western Australia's secretariat consists of a general secretary and assistant secretary supported by clerical and keyboard staff. The secretary exercises complete autonomy within the secretariat. He also is the union's public spokesperson. The relationship between the secretary and the president is largely traditional, with the secretary being the dominant office. That is to say while the council determines policy, its execution is mostly left to the general secretary's discretion.

The union's governing body is its council of 11 members. It is headed by a general president together with the normal complement of office bearers, that is senior and junior vice presidents and a general treasurer. All officers are elected directly by members of council. Sub-committees maintained by the council include: (1) finance and buildings; (2) uniform and vehicles; (3) award; (4) legal; and (5) housing and accommodation.

Union members are organised into 22 branches, each branch having a secretary who is responsible for maintaining liaison between members and the council. Branch meetings are required to be held monthly and all grievances of individual members must be approved by his or her branch prior to being forwarded to

general council. A biennial conference of delegates is held at which council members are elected. The union takes the opportunity on the alternate year to conduct an information seminar for delegates.

TASMANIA

The secretary of the Police Association of Tasmania heads a small secretariat, in respect of which he enjoys untrammelled authority. He is responsible for day to day running of the Police Association's affairs and speaking to the media. Under the association's rules, the secretary may not be a serving member of the Police Department, Tasmania. Although the secretary is free of presidential intrusion in secretariat management, the authority relationship between the two office holders is roughly even, without either being dominant to the exclusion of the other.

The association's eight person executive committee is its governing body. It maintains five sub-committees in a form similar to the Police Union of Workers in Western Australia. Branch committee members may also serve as executive sub-committee members.

The association's membership of approximately 1,000 members is divided into five branches, each of which has a delegate. Three branches cover serving non-commissioned members throughout the state, one branch is assigned to commissioned officers, while the fifth represents retired members. The Police Association of Tasmania is unique in that its retired officer delegate is permitted an unrestricted vote at annual conference, a distinctly professional provision.

STRUCTURE GENERALLY

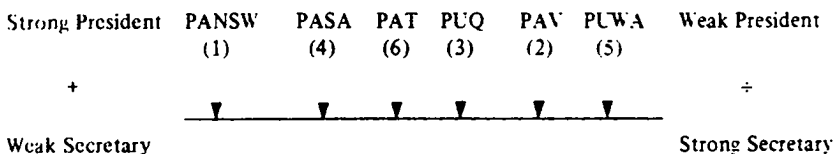
Police unions vary greatly in size of membership. The largest exceeds the smallest by a factor in excess of nine. Although some unions, that is the Police Association of Victoria, the Police Union of Workers, Western Australia, and the Police Association of Tasmania include commissioned officers, the proportion of such officers overall is small. Differences in union size, not unnaturally, closely reflect the differences in size of their respective host departments. Short of sergeants breaking away from constables (at least

one attempt occurred in New South Wales in the 1930s) or detectives breaking away from uniformed personnel (one attempt occurred in New South Wales in the 1930s and another in South Australia in the early 1950s) or a national police union emerging, there seems little scope in the short-term for alternative organisation. The equation of bargaining unit equalling bargaining agent is so well established under current industrial structures that change seems unlikely at the present stage of occupational development.

The arguments of Weber and others concerning the relevance of size to structure do not seem to apply in respect of the broad organisational structures of police unions. There is little in the way of fundamental variation in organisation evident among the unions. They all consist of minor variations on a basic framework. This framework comprises four components, that is an executive committee or council, a secretariat, the membership and a supreme organ of members or delegates. The only significant difference existing in the various models is the structure of the Police Association of New South Wales in relation to the direct accountability of secretariat executives to the president. This recent innovation confirms the control of the president and the executive committee over the daily management of union affairs. Even then, the president has to be sensitive to the wishes of the executive committee or he can be thwarted in the voting process. However, size of membership has a definite bearing on the Police Association of New South Wales' ability to finance expensive expertise in support of its operations. In Queensland, geographic size has a bearing on the frequency of general meetings and thus the influence of the committee of management. It is necessary for large and decentralised states too, to have general meetings attended by delegates rather than members at large. The attendance of delegates at conferences, as opposed to general membership, has the important effect of preventing non-metropolitan issues and viewpoints being swamped by metropolitan interests.

One of the most evident areas of variation among unions concerns informal rather than formal structure. Generally speaking, the preponderance of practice favours strong(ish) secretaries at the expense of weak(ish) presidents. Neither size of membership nor size of geographic area covered appears to bear any relationship to the distribution of the various balances of relationship. Based on

purely impressionistic evidence, the distribution of the relationships appears to be as shown on the continuum below:



NB: Figures in brackets represent rank order of unions by size of membership

The two basic factors appearing to exert the greatest influence in determining the relationship between the various pairings of presidents and secretaries are personality and industrial sophistication. Very much allied to these two factors is that of motivation. Of course, strong personalities need more than just their innate strength to establish dominance in such relationships. Some degree of industrial competence and an interest in the sorts of matters that necessarily underpin such expertise is also required. However, should both secretary and president wish to be dominant, the ultimate determinant is the executive committee. He or she who controls the executive committee can have formal structures designed to suit his or her particular need. In such cases, structural implementations favouring one office or the other are difficult to offset.

Some police unions elect their presidents direct from among the general membership or assembled delegates, for example the Police Association of New South Wales, the Police Union of Employees, Queensland and the Police Association of Victoria. The others, that is the Police Union of Workers, Western Australia, and the Police Associations of South Australia and Tasmania, elect their president from within their executive committee or council. Size of membership correlates well with this phenomenon. The three unions electing their presidents either from the membership at large or assembled delegates are east coast bodies but given other inconsistencies this distinction is not considered significant. It is noticeable though, that in most of the polarisations examined in this chapter, the Police Association of Victoria and the Police Union of Employees, Queensland almost invariably appear opposed

to the Police Association of South Australia and the Police Union of Workers, Western Australia. Certainly, in matters where the Police Association of South Australia and the Police Union of Workers, Western Australia's characteristics are similar, for example welfare related objectives, proximity and date of origin would seem to be relevant. The Police Association of Victoria and the Police Union of Employees, Queensland were also created close in time but the question of geographic proximity is irrelevant. There is an observable overlapping of attitudes existing in Western and South Australia but no such similarity exists between Victoria and Queensland. Indeed, the state ethos of Queensland and Western Australia are probably closest of all.

With regard to the relationship of size of membership and the voting group responsible for electing a president, it seems considerations of large membership may have influenced some union constitution framers to favour widely spread electorates as a means of reducing the potential for membership dissatisfaction with presidents. It seems reasonable to assume that the larger a union's membership the greater will be the potential for membership dissatisfaction with presidents elected by executive members only.

Geographic size has a definite relationship with the frequency of periodic meetings of the general membership or delegates. The four smallest states each have an annual meeting but the Police Union of Workers, Western Australia and the Police Union of Employees, Queensland which between them cover more than 54 per cent of Australia's land mass, have their supreme meetings biennially and triennially respectively. Actually, Western Australia is somewhat larger than Queensland and holds its meetings more frequently but the Queensland police force is the more decentralised. The fact that the Police Union of Workers, Western Australia now hold a delegates' information seminar on the alternate year suggests that travel and accommodation costs for delegates were proportionately greater when the practice was originally determined, salaries being lower and finance more limited than is the case today. Tasmania probably represents the most decentralised state after Queensland but the relatively short distances involved means that all delegates are within driving distance of their union's conference location.

The effect of area size on policy formulation is not clear. If the attitudes of executive members in formulating and voting on

policy matters are largely impacted by the length of the term for which they are appointed, one would expect to find that the Police Union of Employees, Queensland's policies were more future oriented than those of say, the Police Association of New South Wales. In fact, there are no obvious indications such is the case. The sorts of decisions made by the Police Union of Employees, Queensland and the Police Union of Workers, Western Australia, are not appreciably different in that sense from those of the Police Associations of Tasmania and Victoria. However, the same does not necessarily hold for function.

Some unions have their memberships divided into discrete branches, the branches possessing their own office bearers and holding meetings on a regular basis. Others, the Police Associations of Victoria and South Australia, merely nominate delegates for areas which are usually coexistent with the host department's territorial divisions. Membership apathy is an element conducive to the appointment of delegates rather than branches but apathy is not necessarily constant and some areas in which branches are formed are lucky to see more than two or three members attend a monthly meeting. Perhaps the degree of interest or apathy obtaining in times past was responsible for establishing the point but does not necessarily possess current relevance. Even where branches do exist they have little autonomy other than to hold regular meetings and forward grievances to their respective executive committee/councils. Indeed in practice, branch officers or delegates who show evidence of being independently minded to the extent of taking local action are usually regarded poorly by union managements. To ensure consistent and responsible actions on the part of local representatives, several unions, for example the Police Associations of New South Wales and South Australia and the Police Union of Workers, Western Australia now take considerable pains to train them. Delegates and executive members are also encouraged to attend Trade Union Training Authority courses.

Historically, police unions have changed their objectives and structures little. The major change involved the formation of a separate organisation by South Australian commissioned officers in the early 1950s. There has been small potential for amalgamations within states, except where officers and men are represented by different bodies. There has been little thought as yet given to police unions acting as bargaining agents for other occupational

groups, although it is noted the Police Union of Employees Queensland performs that service for the commissioned police officers' union in Queensland. However, and especially if the occupation fails to professionalise, a possibility for such expansion would exist. There would be legal obstacles, should present industrial structures remain, as the movement of vocational groups from one union to another is not encouraged.

But, if police unions were to alter their rules consistent with a loose law enforcement or protective security emphasis rather than an exclusively policing ambit, some private and public protective service workers would be strongly attracted to being represented by a police union. The critical question of course, would be to decide whether to act merely as a bargaining agent or to become an umbrella union accepting a wide range of security workers to full membership. Such a move of course, would mean an automatic end to any hopes of police professionalisation. There have over the years been several threats by disgruntled groups within different police unions, for example the Police Associations of New South Wales and South Australia, to either form a new industrial group or join another union. But no breakaway movements have lasted long. However, as new criminal justice specialties, such as community crime prevention officers emerge, some police unions of the future would undoubtedly be interested in performing a bargaining agent role on their behalf whether or not they qualified as formal police association members.

The limited amount of structural change in police unions generally to date is perhaps partly reflective of conservatism but the move in the Police Association of New South Wales, from strong secretary to strong president is significant and presages similar changes in other large unions as the industrial sophistication of serving police officers increases. Such structural change in combination with changes in career patterns, for example reduced promotion, could induce greater rank and file interest in union affairs as alternative routes to self actualisation. It is noted though, that the basic structures are sound and short of decentralising in the face of frustrated membership demands, a rather unlikely event in the short-term, the potential for marked structural change is limited.

PROCESS

In this section the term 'process' is employed in the sense of what union employees and officers actually do in pursuit of their duties. A survey of police union roles (discussed in detail at Chapter Six) showed that officials and employees' activities subsumed effectively under six functional categories: (1) economic; (2) welfare; (3) discipline/legal; (4) resolution of grievances; (5) defence of the service; and (6) information. These functional heads are employed in the following discussion.

ECONOMIC

The single greatest concern of police employees generally, both in Australia and overseas,^{14,15} is economic reward; and of all the economic rewards available, pay and allowances are the most visible to and carefully monitored by members. The importance of this attitude is reflected in the comprehensive arbitration procedures provided by governments and which are almost exclusively designed to resolve disputes relating to remuneration. But for the exception of commissioned officers in South Australia and New South Wales, all police unions are parties to the various Police Officers' Awards/Determinations obtaining in respect of the bargaining units comprising their respective memberships and bear the brunt of preparing relevant variations, applications and work value studies. Employers rarely apply to vary awards to which they are signatory. Applications for variations of minor aspects of awards is an ongoing task for unions but major applications for wage rises or work value studies occur every few years. The preparation of wage and work value applications is a formidable task, representing unions' most important as well as taxing role. Some states such as New South Wales, Victoria and South Australia permit attorneys to be employed in the presentation of cases before industrial tribunals but in others such as Queensland and Western Australia, union secretaries also operate as industrial advocates. While it is highly desirable as a general principle to exclude lawyers from industrial disputation, the additional load on union secretaries is considerable; especially where the union's executive/professional staff is not large. However, most police unions are now in a financial position to either hire or employ advocates.

Union officials in the present industrial climate are intensely aware that they essentially stand or fall by their capacity to achieve economic gains on behalf of members. Their ability to keep members at least abreast of salary and cost of living movements is the primary standard by which they are judged. During the early years of union activity, say until the late 1940s or early 1950s, few gains in respect of wages *per se* were made. During that period though, unions fought and won many battles covering hours of work, annual leave, overtime payment and shift allowances.

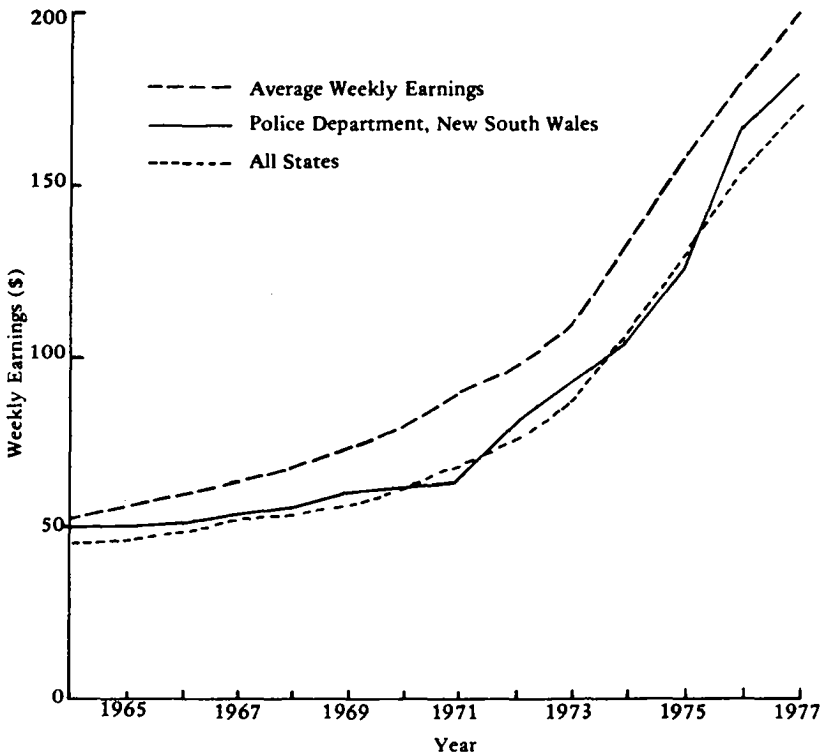
From the mid 1960s however, the pace of average weekly earnings accelerated and police unions along with all others had to work harder just to maintain their ground. During 1964, the average base weekly wage for a first year constable was somewhat below the average weekly wage of workers generally, that is \$45.74 as opposed to \$53.28. Average weekly earnings statements expressed here are in respect of male units only and include overtime earnings. The police base wage figures apply to both males and females and do not include overtime earnings. Nor do they include shift allowances, although in practice shift and overtime allowances are earned by many police. Some departments pay loadings while others prefer to pay actual penalty and overtime rates for time worked.

Thus, average weekly earnings of many first year police employees (almost all of whom are shift workers) would in fact be in advance of average weekly earnings. In fact, one newspaper survey in 1981 showed police employees (on average) to be the fourth highest paid salary/wage earners in a wide range of employment categories, including professionals.¹⁶ The period 1964-75 saw 11 years of fairly frantic wage spiralling, especially from 1970 onward, followed by the first two years of wage indexation. Both of which periods were nightmarish for industrial officers on both sides of the police industrial bargaining table.

The graph shown at Figure 15 indicates the police all state average base wage for first year constable increased very slightly compared to average weekly earnings, that is average annual rate of growth was 10.94 per cent. Data upon which the graph is based are shown at Annex J. Within that broad context, a decline occurred in Tasmania, where the lowest rate of growth overall in police wages was recorded. South Australia and New South Wales also recorded a below median growth rate. Queensland and Victoria

FIGURE 15

**Average Weekly Earnings, Police Department of New South Wales
Weekly Base Wage (PC Yr. 1), All State Police Average Weekly
Wage (PC Yr. 1): Movements, 1964-1977**



both recorded above median growth, while Western Australia achieved the highest growth rate.

Police in New South Wales were generally the best paid across the entire period, twice losing the pacesetter position *vis a vis* the all state police average weekly base wage. The first occasion was in 1971. The second occasion was for an extended period from 1974-75. In terms of rank ordering over the entire period according to the base wage of a first year constable, the Police Department of New South Wales came out well ahead of all other states. The Police Department, Queensland was the second ranking department measured by such criteria, followed by the Police Departments in Victoria, Tasmania, South Australia and Western Australia in that order. The period 1966 to 1977 covered the life of the Askin liberal government in New South Wales. Sir Robert reportedly pledged to keep the Police Department of New South Wales remunerations ahead of other police departments. On the criteria of salaries, he appears to have been only partly successful in maintaining his promise and in addition, he was unable to maintain New South Wales police in the van with respect to annual leave. Despite largely maintaining its lead, the Police Department, New South Wales marginally lost ground *vis a vis* both the all state average and average weekly earnings. The average annual rate of growth of a first year Police Department, New South Wales constable's wage was 10.81 per cent; the average annual rate of growth of average weekly earnings over the same period being 10.82 per cent. Over the 14 year period then, police generally improved their salary position very slightly. Given the industrial turbulence that existed during much of the period as well as the fact that police did not resort to the extremes of industrial action employed by many other workers, it can be said that the various unions operated with reasonable effectiveness on the economic front.

The period of wage indexation forced many unions into seeking new areas to exploit in support of wage increases. A number of police unions based certain of their cases on claims of abnormal stress, with some degree of success. Further exotic avenues will doubtless be explored with a view to obtaining further advances in the face of an industrial climate not favouring real increases in wages.

WELFARE

The welfare function of police unions is most carefully defined with respect to certain avenues, while in others it remains surprisingly loosely defined. The provision of financial support at times of personal distress has traditionally figured importantly as a role of the divisional social associations and *ad hoc* groups which existed prior to the creation of present police associations. In addition to the Police Association of Victoria's specific goal of providing financial support to members and their dependents, three police associations possess an objective of operating mortality or other benefit funds, that is the Police Union of Employees, Queensland, the Police Union of Workers, Western Australia and the Police Association of Tasmania. The shortcoming of some goal statements is evidenced by the fact that the largest police death benefit scheme in Australia is operated by the Police Association of New South Wales. The closest the Police Association of New South Wales' objectives statement comes to covering a mortality fund is a general clause covering the establishment of welfare schemes. Both the Police Union of Employees, Queensland and the Police Association of Tasmania operate sick leave banks in conformity with their objectives. In addition, the Police Union of Employees, Queensland runs a sick/incapacity fund, again as authorised by the *Rules*. The Police Association of Tasmania's *Rules* authorise the operation of a credit union, which does exist. All other police forces are served by their own credit unions, most of which maintain a close relationship with their respective unions. In most cases they began life within associations but over time established separate identities due to their lack of common function. Police union officials figure prominently in the Credit Union League.

Welfare benefits paid to members by the Police Association of New South Wales for example, include:

- a single payment of \$3,000 to the widow, widower or nominee of a deceased financial member; and
- payment of \$100 p.a. to each child of a deceased financial member under the age of 18 years.

Payments may also be made subject to approval of the execut-

ive, to members on sick or maternity leave and not in receipt of a salary from the department. Generally, payments to a limit of normal salary are paid for not more than 30 days in any 12 months period. Amounts payable by the various unions vary considerably over time, especially during periods of high inflation.

DISCIPLINE/LEGAL

A significant occupational hazard of police work is that of being subjected to legal action by citizens, resulting either from member misfeasance or harassment tactics employed by defendants wishing to undermine the police will to prosecute them. Being members of disciplined organisations, police officers are also subjected to relatively severe punishments within their departments. As a result of personal error, mischance or poor supervision individual officers can easily find themselves charged with a departmental offence. In those cases in which deliberate contraventions of reasonable regulations are committed little sympathy is due miscreants, although there are honourable exceptions. But because a police officer can be so easily 'set up' by maliciously inclined citizens or placed in a position of 'carrying the can' for delinquent superordinates, in addition to the normal risks of the job, it is sensible of police employees to organise so as to provide mutual protection. The actual incidence of police officers being 'set up' by either illwilled citizens or delinquent colleagues is small but the possibility is ever present and it is the possibility which provides the essential motivation for protective measures of this sort.

In fact, all police unions provide varying forms of financial assistance and legal aid to members but not all refer to this role in their formal objectives statements. One union, the Police Association of Victoria, aims to protect the rights of its members generally. The support of members subject to disciplinary and/or legal action, mostly in the forms of financial assistance and/or legal aid, is formally an object only of the Police Associations of New South Wales and Tasmania. The Police Union of Employees, Queensland has twin goals of operating both suspension and legal defence funds, which in effect places it in a similar position to the other two unions.

Policy concerning financial assistance and legal aid to members under the threat of disciplinary or legal action poses a severe

problem for all police union executives. No executive wishes to pay costs of members who are guilty of wrongdoing. But how can executive members decide questions of guilt? Frequently, it is impossible to make such decisions in advance of cases being heard. One police union maintains a legal defence fund which may be used to defray the legal costs of members facing job related legal action only with the approval of the executive committee. Others pay virtually all such legal costs claimed by members provided union requirements, for example use of approved attorney are met.

In 1981, the Police Association of South Australia created a panel of solicitors to assist in the defence of charged members. Yet others, for example the Police Association of New South Wales have a policy of waiting until matters are terminated, the executive committee then making judgment on costs in the light of all the facts. Some of the complexity surrounding the question of legal aid and financial support is well evidenced in the Police Association of New South Wales' rules covering the issue. These rules are shown at Annex I. With few exceptions, executives are supportive of members needing help in such cases, recognising that refusal to pay costs can sometimes generate membership antagonism to union managements generally. Executive members are themselves subject to the same risks and if they sometimes approve payment of costs in respect of colleagues considered in fact to be in breach of regulations on the basis of 'there, but for the grace of God, go I', it is understandable.

REDRESS

In disciplined organisations such as police forces, constraints are placed on individual members with regard to the actions they may take in pursuance of redress of grievances. With regard to personal grievances, employees are constrained merely to taking the matter up with superordinates. Special redress of wrongs procedures are not provided for in the various departments. It is noted however, there is increasingly a realisation in police administrations that formal 'channels' are frequently ineffective for such purposes. Less formal supplementary arrangements, such as welfare officers, are now provided in some forces. Even welfare schemes, are not necessarily panaceas for grievance solution, the continual stream of members' complaints received by police unions providing

clear evidence of the need for alternative grievance channels external to departments' formal structures. In addition to grievances of a personal nature, there are also general complaints of members, such as defective equipment or non-supply of uniform items, which are not always easily accommodated within departmental structures.

Four of the six unions discussed in this chapter have a stated objective of securing redress of members' grievances, that is the Police Associations of New South Wales and South Australia, the Police Union of Workers, Western Australia and the Police Association of Tasmania. Regardless of formal statements though, all six unions apply substantial resources to this most important function. Difficulties of measurement make precise conclusions impossible but the impression is that the greatest proportion of unions' human resources are applied to grievance resolution in one form or another.

INFORMATION

Information is an important organisational dimension. In fact, Max Weber claimed information to be a major determinant of organisational roles. However, such comments are made specifically in respect of information gathering and dissemination of information used in the pursuit of process. There is in addition, the important business of keeping not only members advised of union and associated business but also of informing the public and environing institutions and organisations concerning appropriate matters pertaining to police operation and employee welfare.

With respect to members, three police unions have recognised the importance of this function from the outset. Thus, the Police Association of New South Wales and the Police Union of Employees, Queensland both possess specific objectives of publishing union magazines. The Police Association of Victoria has a more general goal of publishing whatever is considered necessary to permit proper pursuit of its functions. Regardless of stated aims (the publication of materials does not constitute a primary goal in any case), all police unions produce a journal or magazine. Indeed, several of these journals have been published without cease since shortly after the formation of their parent union and now include some of the oldest serials published in Australia. They are mostly

printed monthly. With the introduction of extensive advertising most association journals can now be produced at no expense or even at a profit. Previously unions were obliged to outlay substantial sums annually to meet production costs. It is noticeable these journals are not exploited by unions to their full potential, either in informing and educating members concerning industrial matters or in encouraging professional attitudes among members. Some of the more dynamic union managements have realised this shortcoming and are now intent on remedying the situation.

With the onset of tougher bargaining since 1975 and a faster moving industrial scene, most unions now also produce a newsletter so as to keep members informed of industrial events according to need. Modern technology now also permits the use of recorded messages which can be accessed by telephone. The two largest unions operate such machines which are especially useful for keeping shift workers aware of events, such as an award negotiation which can at times change hourly. Another important informational function performed by police unions involves providing members with information concerning award-related entitlements and answering questions on superannuation. These are queries that departments should be able to satisfy but sometimes cannot, due to staff changes which preclude employees obtaining sufficient grasp of the complexities involved, for example shift worker entitlements to public holiday rates for a public holiday on which he or she is rostered off duty. Thus, members turn to their unions for this form of assistance. In fact, the Police Association of New South Wales employs a fulltime information officer for that very purpose.

CONCLUSION

The various objectives, structures and processes of police unions examined here show considerable uniformity in major scale. Viewed in closer focus, the apparent uniformity is less evident as minor differences reflective of local styles and needs become apparent.

The various objectives are best described as adequate for immediate purposes. Some defects in formulation, window dressing and appropriateness are evident. Although expressed better in

some unions than others, all objectives statements would benefit from substantial review. In so doing reviewers should bear in mind questions of fit, measurement and preparation for future developments and problems.

Minor variations observed in formal structures made no marked difference to operations or effectiveness. There seem to be limits to alternative structures suited to mutual benefit organisations but within the range possible, the precise form does not seem important. Like a bicycle's front fork, every variation seems to work well. While the influence of objectives is apparent in union structures, considerations of territorial and membership size seem equally influential. They all are reasonably democratic but personalities are also capable of exerting substantial influence.

The functions examined mostly reflected formal objectives to greater or lesser degree, although within limits the primary determinant was membership demand. A conscious effort is made to fit structure to function in the larger unions. In the smaller unions where the secretary performs most tasks personally, such considerations are less evident.

The emergence of executive presidents who are necessarily more sensitive to membership demands than strong secretaries, should further the cause of organisational democracy in respect of both structure and process. In such cases structures should become more reflective of process than objectives, although it is not expected marked discrepancy between the two will occur. This possibility should act as a spur to union managements to maintain their objectives statements at a high degree of currentness in order that a proper and continuing matching of ends and means may be achieved.

1 P.M. Blau and W.R. Scott, *Formal Organisation—A Comparative Approach*, London: Routledge & Kegan Paul, 1963, p. xiii.

2 H.E. Aldrich, *Organisations and Environments*, Englewood Cliffs, N.J.: Prentice-Hall, 1979, pp. 4-5.

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Chapter 6

Police Employee Grievances

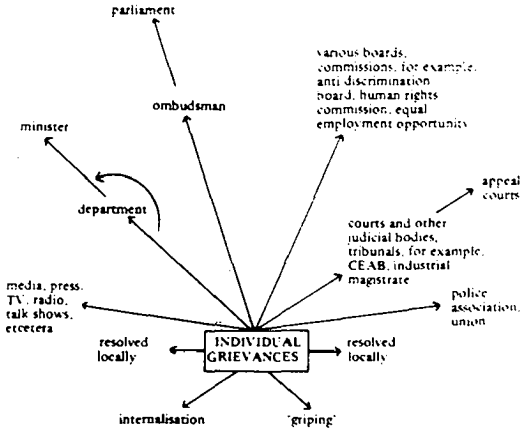
In the domains of industrial and employee relations, grievances may be loosely defined as complaints arising from perceived personal injustices experienced in the course of employment.¹ Employees however experience a wide range of grievances of which personal injustices constitute a relatively small proportion. The distinction between personally experienced and other, generally perceived, grievances accords closely with the legal distinction made between grievances officially considered suitable for employer-employee bargaining and/or special appeal provisions and those which are not, that is officially considered to inhere in the realm of managerial prerogative. Police unions are in the business of taking up for redress members' job related grievances of virtually all types regardless of legal or other distinctions. This role is critical to the wellbeing and general stability of police agencies. It also possesses considerable potential for tension between managements and unions.

Police employees in fact, have many channels into which they may route their grievances both as police officers and citizens. Unions represent but one resolution resource, albeit the most supportive and comprehensive. Many of the available avenues are dependent on the state or territory in which employees reside or the nature of the grievance itself. In all there are some six types of avenues available for grievance resolution. Some types are designed to deal exclusively with grievances in specific forms, for example protests against discrimination, whereas others accommodate a variety of grievance types. This chapter is primarily concerned with police union resolution of employees' job related grievances but a brief sketch of other channels is warranted as not only may they sometimes be availed of by police employees but also police unions *qua* unions may be impacted by such utilisation.

The vast majority of grievances experienced by police employees do not in fact exceed the status of minor irritations. Mostly such irritations are coped with without significant trauma, often quite unconsciously. Some of slightly greater intensity are cathartically disposed of in the course of muster room and meal room 'griping'. More serious grievances, that is those sufficiently intense to prompt individual employees to seek redress are routed into one (or more) of the available avenues. Once the decision is made by a police employee to pursue a grievance (it not being resolved locally), the six routes shown at Figure 16 are available. The interactions possible between various permutations of avenues are not indicated in the interests of clarity. For example, an unauthorised approach by a police employee to the media could result in the department, minister and parliament all being involved, for example when in 1971 a Police Department of New South Wales member informed the press² concerning deficiencies in the department's criminal statistics, he was discharged.

The dismissal was challenged in the Crown Employees' Appeal Board³ and debated at length in both parliament and the media without avail. An example of another form of grievance resolution concerned a female recruit in the Police Department, New South Wales. Rejected for entry to probationary constable status for failing an agility test, she complained to the New South Wales Council of Equal Opportunity on the ground that the test was unvalidated.⁴ A complaint of this type represents a difficult situation for employers. The validation of many procedures and standards is virtually impossible. There are of course, many aspects of personnel administration which are capable of validation and should have been long ago. But what if employees complain through departmental channels about such shortcomings? How could departments cope in the short-term? Even given official motivation to rectify such matters, for example appraisal systems, selection procedures of all types, operational procedures, resource allocation priorities, it would take several years at least to satisfy the simplest of such complaints. Although such a consideration is perhaps a stimulus to undertake such groundwork, it could also serve as a disincentive to the establishment of formal redress of wrongs procedures. In some states the Ombudsman is allowed to entertain complaints concerning alleged deficiencies in police administration. In New South Wales, the Ombudsman is the

FIGURE 16
Range of Grievance Resolution Avenues



conduit through whom all complaints against police must pass.⁵ Conceivably, police employees in that state may lodge complaints with him concerning their department's perceived administrative shortcomings.

The battery of state/territory and federal courts, industrial commissions and other tribunals which exist in all jurisdictions are available only to those possessing 'standing' in relation to matters which are 'justiciable'. That is to say, grievants or complainants must be recognised in law as being persons having a right to bring a particular action. That action must itself be a matter which is recognised in law as being suited to the particular legal process applied to. Generally speaking, Australian courts only grant standing to persons directly related to a dispute, class actions not being permissible. The various appeal boards are routinely utilised by police officers in respect of disputed promotions and punishments, whereas industrial tribunals are utilised by unions on behalf of members as a group.

Industrial magistrates in those states in which they exist, may be approached by employees desiring justice in particular instances, for example whether days spent at sea aboard a government launch should be considered as full duty time and thus subject to over-

time payment. Police departments are increasingly providing alternative channels for employees to express their grievances. Oddly, unlike the armed services and some police forces overseas, no police agencies in Australia have formal 'redress of wrongs' procedures. In a service in which employees are treated substantially differently from most other civilian employees, this lack is a matter for comment if not censure. Police grievance procedures similar to the American four or five step systems could do much to improve organisational equity. In providing such procedures, care must be taken to ensure the function of management is not made impossible while at the same time increasing levels of equity in police agencies. It is when official avenues are either inaccessible, unsuitable, inappropriate or for whatever reason unwanted, police employees turn to their unions.

GRIEVANCE PATHWAYS

Police employee grievance pathways are divisible into two major categories. The first group includes formal prescriptions (excluding industrial) such as courts, boards and specified appeal structures. The second concerns informal pathways relating to grievances pursued by unions, including industrial matters. With the exception of award-related complaints, grievances originate within branches, executive committees or the various annual conferences, etcetera. Both executive committees and branches may submit matters to conference but in such cases it is conference which decides whether action is taken. Most individual grievances emanating from branches however, are referred direct to the executive. Where local branches exist such matters are sometimes required to be expressed in the form of a branch motion. Where no branch exists, members' grievances (once attempts at local resolution are exhausted) are normally forwarded to the executive committee by an appointed (or elected) delegate.

Grievances directed to executive committees or councils are dealt with entirely at the discretion of such committees. Some matters may be returned to the point of origin, either for amplification or further attempts at local resolution. Other matters may be rejected outright by the executive and some merely noted but now otherwise actioned. Of those grievances accepted for further union action, a variety of alternative pathways exist.

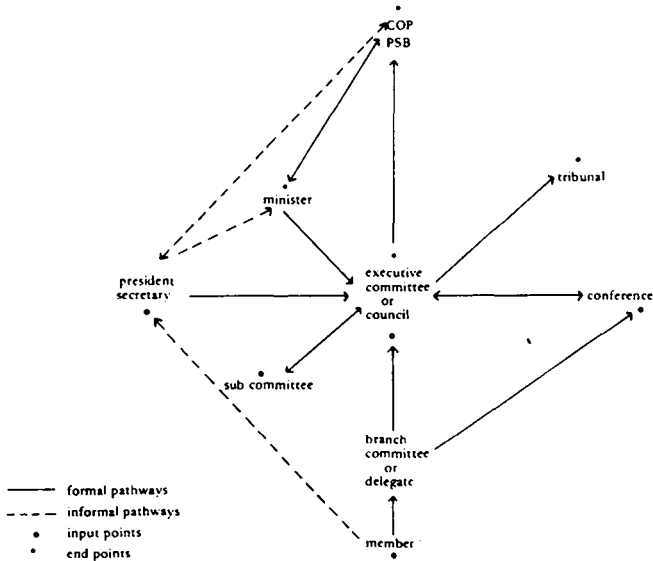
Accepted grievances, when straightforward, are usually taken up by unions direct with the party having the power and/or authority to provide relief. Some grievances involve the union itself and so are directed to internal resolution. The accumulated experience of executive committee members and union employees dictates the degree of urgency and style of approach to be adopted. Some grievances are necessarily subjected to further research before being taken to resolution or otherwise disposed of. These comments apply in the main, to specific complaints, for example summer shirt issues not available on prescribed date. Many grievances are more generally phrased, for example pay is inadequate. Such matters which entail the utilisation of massive resources and which are also sometimes subjected to quasi-legal constraints, often cannot be actioned at short notice. Thus, general statements of dissatisfaction may be accepted and filed but nevertheless serve the important function of cueing executive members to the sentiments of their constituents; in effect, early warning signals. Alternatively, they may serve to set in motion the lengthy preliminaries necessary to attempt variations of the various Police Officers' Awards. Considerations of industrial and political climate also play their part in determining when resolution of grievances should be attempted, especially pay claims. In short, employee grievances raised with executive committees range from the simple and precise to the complex and general. Certainly, the majority of grievances are closer to the former category than the latter but a few require considerable executive consideration and sometimes reference to a sub-committee for research and recommendation. In so doing, it is possible for sub-committees also to originate grievances.

Those grievances having no implications for internal resolution are directed in the main to one of four authorities. These authorities represent the principal loci of formal and direct control with respect to the police service. They are: (1) (Chief) Commissioner of Police, or his delegate; (2) Public Service Board; (3) the Minister for Police and/or Premier; and (4) industrial tribunal. In addition to being sources of formal authority in their own right, the first three are also mediators. For example, Public Service Board officials will often find it necessary to refer to Treasury to ascertain the amount of money available to meet pay claims and the Police Minister has to frequently liaise with other ministers or cabinet.

In responding to employee grievances, police ministers mostly act in consultation with their chief officer of police, as through him most grievances are routed. However, there are occasions when police union officials may approach a minister direct in pursuit of resolution, see Figure 17. Other governmental authorities, for example health or law departments, may occasionally be approached in respect of employee grievances but such instances are relatively few.

Presidents and secretaries of police unions generally travel extensively within their jurisdictions so as to keep in touch with members, thereby maintaining their fingers on the pulse of employee morale. Such contacts provide opportunities for individual members to impart their grievances informally to union officials without screening by branch secretary or delegate. Those same presidents and secretaries also attend social events where other influential members of the industrial and political communities foregather, for example farewell to retiring members of the Public Service Board or meetings of the Society for Industrial Relations. Police union officials are thus in a position not only to acquire

FIGURE 17
Police Employee Grievance Pathways



and impart a wide range of information of broad relevance to members' interests but also to informally and indirectly influence at least some of the persons exercising authority in relation to the resolution of industrial claims. Furthermore, presidents and secretaries have the opportunity to report to their respective executive committees as well as to conference. Although such reports do not constitute motions in themselves, they can and do sometimes have the effect of stimulating the proposal of motions by others and/or of influencing the attitudes (and voting?) of executive members or conference delegates. By such diffuse and informal means are employees' grievances sometimes promoted.

When an executive committee or council directs that a grievance be actioned, the actioning process is most often in the form of a letter or telephone call to the Commissioner of Police, Police Minister or the Public Service Board. These authorities are the endpoint of most grievance pathways. Occasionally, an unacceptable response is formally or informally appealed, for example haircut regulations challenged by injunction or publicised in the media.⁶ Very occasionally, a government will set up a board of inquiry to consider grievances, for example the police advisory committee created by the New South Wales government in 1933.

Employee grievances directly concerning the grievant's own department, a category involving a majority of employee complaints should, according to regulations, be raised within force channels in the first instance. A number are, some of which are satisfactorily settled. Official channels however, are far from universally effective and in any case, an employee experiencing disaffection due to perceived departmental shortcomings is unlikely to perceive his employing agency as being capable of objectively considering his case. Supervisors and executive officers sometimes feel threatened by subordinate employee complaints and suggestions. There is of course, no guarantee of employee objectivity and some grievances are inevitably unreasonable. The reasonableness or otherwise of complaints against supervisors is not always a simple matter to ascertain and from a supervisor's perspective, all grievances can appear threatening. Even granted superordinate competence and goodwill, pressures of routine business often makes prompt attention to grievances difficult. Police administrators, bound by works programs, priority lists and budgets, are not always able to respond promptly to a broken meal room window

in a suburban police station, for example. Where public works departments are required to undertake minor maintenance the problem is compounded. The indifferent performance of public works departments the world over is legend even among public servants to most of whom mediocrity is the norm. Nor infrequently, lack of funds prevents the implementation of requested remedies even when a desire to help exists. For all these reasons and more, police employees tend to resort to their union as a means of first instance grievance registration rather than last instance. Both departments and unions in fact pay insufficient attention to grievance reception processes. A range of ameliorative measures was mentioned in Chapter Three but in addition to even the most sophisticated grievance systems there must be analytical backup. Grievance resolution should not be merely a band aid operation. Systems must be designed to ensure appropriate feedback to permit prompt structural and processual reform when and where necessary.

Grievances relating to discipline and award compliance are of particular importance to employee morale and should be afforded rapid resolution. The step grievance system employed in many American police forces, which provides for prompt and graduated official response, has much to recommend it. In such systems, a grievant is afforded a sequence of persons and institutions whom or which he or she may approach in ascending order, should satisfaction not be obtained at the preceding level. The final, usually fourth or fifth step, if resorted to, has authority to impose a binding decision. The absence of such personnel initiatives in the various states and territories is a matter for comment. It is also surprising the various police unions have not advocated similar measures, as such a measure would relieve unions of a significant proportion of their workload; thus permitting limited resources to be applied in greater proportion to other important activities such as seeking improved terms and conditions of service.

TYPES OF GRIEVANCES

The range of grievances formally raised by police personnel within their unions is both extensive and ascertainable. Recorded at Annex K is a classified list of police employee grievances raised within all state police unions during calendar year 1978. These items were extracted from the various executive committee and

conference reports and minutes. The initial collection, after discarding numerous duplicates totalled 492 types of grievances. These items were then converted to a standard format, for example all expressed in either negative or neutral terms as appropriate. Where possible, items were expressed at a common level of abstraction, as some were originally expressed in either highly specific or extremely general terms. Items were then again reviewed and further duplicates and inappropriate items excluded. By this means the list total was reduced to 301 discrete grievance types. Unfortunately, comparison of grievances on a state by state basis is not possible due partly to the exclusion of duplicates but also to the fact that the levels of rigor exercised by the various unions in recording expressions of employee concern varies considerably. Thus, the data are only treatable in aggregate form. The 301 items were then classified into six categories familiar to administrators: (1) administration; (2) supply; (3) economic; (4) operations; (5) public affairs; and (6) legal. The great majority of grievances related to employee criticisms of departments, suggestions for departmental reform and dissatisfaction with union functioning.

The main heads were reducible in most instances to sub-categories. The breakdown of categories is shown at Table 3. It is evident from the table that departmental administration is the most prolific source of employee grievances. The administration category accounted for a little over one third (35.5 per cent) of the entire grievance classification. This result strongly supports the view that the quality of police administration especially personnel administration, is modest. A glance at the sorts of grievances subsuming under the administration head bear heavily on considerations of self-interest. The supply function which is closely interconnected with the administrative function, figured as the next most fruitful source of grievances. Annex K shows many items relating directly or indirectly to questions of personal convenience and safety. These matters accounted for 28.6 per cent of the entire classification. The two categories combined accounted for nearly two thirds (64.1 per cent) of the whole classification. The third most productive area of employee grievance was economic. At 17.9 per cent of all types of grievance, this category is difficult to assess due to the special circumstances attaching to it as mentioned earlier, including the possibility of a basic satisfaction of members with their unions' performance. When added to the other two

TABLE 3
Categories of Employees' Grievances, All States, 1978

<i>Serial</i>	<i>Sub Heads</i>	<i>Major Heads</i>
1. (107 items)	health and safety (001-006)	personnel (001-057)
	discipline (007-011)	
	rights (012-029)	
	dress (030-034)	
	relationships (035-039)	
	welfare (040-041)	
2. (86 items)	exams (042-047)	administration (001-107)
	selection (048-057)	
	postings and relieving (076-089)	
	shifts and rosters (090-096)	
	personal accommodation (108-111)	
	work accommodation (112-124)	
2. (86 items)	vehicle accommodation (125)	supply (108-193)
	land transport (161-177)	
	air transport (178)	
	clothing and personal issues (126-155)	
2. (86 items)	office and general supplies (156-160)	transport (161-178)
	real property (108-125)	

TABLE 3 – continued

		technical supplies (179-187) armaments (188-191) removals (192-193)	
3. (54 items)		retirement (194-201) insurance (202-206) arbitration (207-208) costs (209-211) leave (212-214) pay (215-217) overtime allowances (218-242) taxes (243-245) police vote (246-247)	economic (194-247)
4. (36 items)	crewing (254-257) non police (258)	coordination and cooperation (248-253) patrol (254-258) technical (259-260) resources (261-267) training and education (268-279) control (280) opposition (281) security (282-283)	operations (248-283)
5. (10 items)		media criticism (284-289) publicity (288-293)	public affairs (284-293)
6. (8 items)			legal (294-301)

categories already discussed, that is categories in which a large element of employee self-interest is apparent, the proportion of the classification primarily associated with member wellbeing generally amounts to a resounding 83 per cent. This fact *inter alia*, suggests a low level of professionalism in the service generally. That is to say, the high level of concern expressed with personal interest as opposed to broad performance and operational factors is typical of a service (or services) possessing little professionalism. For the record, the percentage of grievance types relating to operations was 12 per cent. This figure in light of the well remarked commitment of police officers to the job, is surprisingly small.

To return to the economic category for a moment, it is interesting to observe the relatively greater concern of employees with questions of overtime and allowances. This concern probably reflects in part the reliance of members on the receipt of such emoluments in order to maintain their standard of living, especially time payments for goods obtained on credit. Many police marry young and even with two incomes, there is not a lot of money left over once mortgage payments or housing loan repayments are made. Such commitments are mostly made when members' incomes are at their lowest and additional income in the form of overtime, shift allowance and other penalty rates assume a major importance in the lives of young police officers.

The last two categories of employee grievances, that is public affairs and legal, and which together total six per cent of all types of employee grievances listed, are partly a product of the deep resentment felt by most police employees with the at times unreasonable criticism police departments and police actions are subjected to in the media. It is in these two categories that perhaps the embryo of a professional attitude is demonstrated. Even so, it is acknowledged that the ascriptive nature of the occupation is in large part responsible for the resentment experienced. Were police officers/workers spread throughout the workplace as say, are carpenters or accountants, personal reaction to public criticism would be even less.

RESEARCH AND PLANNING CONSIDERATIONS

Despite the inadequacies of the data comprising the grievance classification, a meaningful picture of employee concerns is

possible. The data provide administrators with an excellent indication of possible weak points in their structures and processes. Personnel directors in particular, are afforded a great deal of information with respect to employee relations. Police union managements are similarly provided with a strong indication of these areas requiring special support and emphasis in achieving resolution. In addition, a careful reading of those grievances concerning union performance provides invaluable feedback to executive committees. Unions and managements alike, in order to respond to the needs of their members as well as to make the best possible use of limited resources, need to take greater notice of members' grievances across their entire spectrum. Were data to be collected over a longer period of time, it would be possible to: (1) plot the shifting amalgam of employee attitudes; (2) map the field of morale; and (3) monitor structural and processual efficiency in both unions and departments.

Many of the grievances expressed by earlier generations of police unionists in the 1930s, 1920s and even earlier, reflected more basic employee needs such as days off, annual leave and superannuation. Such struggles are now largely won. The harsh and at times, mindless discipline which prevailed in those years now has largely eased. Today's grievances reflect the concerns of a police work force far better supported, educated, trained and equipped, than its predecessors ever dreamed of. Today, police employees are no longer trying to achieve the basic wage. They are concerned through their unions, to exploit every possible avenue of obtaining real economic gain in an inflation ridden world. According to Maslovian concepts, the periods of survival and existence are past and police employees are now embarked upon an era of personal growth and satisfaction. The police officer of the 1930s and 1940s, concerned to gain the basic wage, was struggling to achieve little more than a basic existence. Today, although still pushing for more pay, he is trying to achieve a quality of life that will permit his growth as an individual as well as provide his family with all reasonable comfort and security. This changing industrial psychology requires greater study than it currently receives either from unions or employers. Ongoing monitoring and analysis is necessary to identify changing trends over time. Only by identifying such trends and their determinants

can employers respond to broadly expressed employee grievances in a rational and informed manner.

It is simpler for employees to state what they do not like about their environment, rather than to go to the effort of considering (and then expressing) what they prefer. Thus, grievances naturally tend to be negatively expressed and reasonably specific. They are rarely stated in positive and general terms, such as a demand for a 'better working environment'. Structures and processes in both unions and departments do not cater for such generalities. It should not be difficult for employers or unions to design mechanisms with which to tap the positive aspects of employee dissatisfaction. Ultimately, both unions and departments need to refine their grievance resolution processes to incorporate a total grievance perspective and adjust the system to cater for a wider range of expressions than is currently the case.

The classification adopted in Table 3 and Annex K was based on categories or dimensions familiar to administrators and industrial relations practitioners. The categories were not designed to accord with the dimensions adopted by Frederick Herzberg in his study of motivation in the work environment. Even so, the preponderance of recognisable 'dissatisfiers' as defined by Herzberg, in the classification of grievance presented at Table 3 is remarkable. Herzberg's major dissatisfier categories include: (1) company policy and administration; (2) supervision-technical; (3) salary; (4) interpersonal relations-supervision; and (5) working conditions.⁷ This point serves to reinforce the limitation of expressed grievances or at least, those grievances which access the various systems, insofar as they indicate employee attitudes. They emphasise the dissatisfiers at the expense of the satisfiers, a fact to which personnel directors should be alert.

SUMMARY

Police employee grievances cover a wide range of matters in addition to the traditional view of personal injustices suffered in the course of employment. All grievances are of significance to employers whether or not they stem from an employer provided stimulus as, although not always singly significant, they can in aggregate impact employees' residual dissatisfaction levels. Resolution processes formally exist with respect to grievances relating

to economic reward, appeals against promotions, postings and punishments. In addition, grievances relating to supervisors etcetera, may be submitted through channels. No special provisions are made with regard to such complaints. Departments are slowly improving their processes by providing alternative and less formal pathways for grievance registration.

Police unions expend a large proportion of their resources in pursuing members' grievances across a wide range of categories. Major grievance categories are identified as: (1) administration; (2) supply; (3) economic; (4) operation; (5) public affairs; and (6) legal. Considerable longitudinal research needs to be performed in respect of the total range of grievances with a view to better understanding not only functional and processual weaknesses in both unions and departments, but also in better understanding the nature of employee morale. It also seems desirable the official view of grievances be extended to include a more sensible construction of the concept. In fact, the entire concept requires restructuring and in the course of so doing, the various formal pathways provided will require rationalisation.

The dividing line between what is reasonably grievable and that which is not requires far greater attention than it has so far. Certainly, the moral position of public sector employers to areas of prerogative is not well established. At the same time, organisational processes cannot be permitted, regardless of their democratic intent, that will impair organisational performance overall. It should also be noted that employee grievances range across the board and do not exclude prerogative areas merely by reason of fiat. This conflict is basic to industrial relations generally. The solution to that particular conundrum, if solution there be other than pure force, will probably come from outside the police community.

1 There is considerable debate as to what constitutes a grievance. One widely quoted definition of a grievance is that of the International Labor Organisation:

The grounds for a grievance may be any measure or situation which concerns the relations between employer and worker or which affects or may affect the conditions of employment of one or several workers in the undertaking when that measure or situation appears contrary to provisions of an applicable collective agreement or of an

individual contract of employment, to works' rules, to laws or regulations or to the custom or usage of the occupation, branch of economic activity or country, regard being had to principles of good faith.

Cited in *Grievance Processes in the Australian Public Service*, (Roneoed) 1976. In this chapter except where otherwise indicated, grievance is taken in its broader sense, that is 'a circumstance or state of things, real or imagined, felt to be oppressive.' OED.

2 *The Sydney Morning Herald*, 4 December 1971, p. 1.

3 *The Sydney Morning Herald*, 12 April 1972.

4 *The Sunday Telegraph*, 7 December 1980.

5 S.48(2) *Police Regulation (Allegations of Misconduct) Act, 1978*.

6 *The Age*, 23 July 1981.

7 Frederick Herzberg, 'The Motivation-Hygiene Concept and Problems of Manpower', *Personnel Administration*, United States, vol. 27, 1964, p. 5.

Chapter 7

Police Occupational Development

The quality of life of most workers is to a great extent determined by the economic, emotional and intellectual rewards obtained in the course of their employment. Combinations of such benefits tend to be greatest for professionals. Expressed very simply, satisfaction is obtained by professionals from following the occupation of one's choice; reasonable levels of remuneration permit a comfortable life style and intellectual challenge is provided by the complexity of the work involved. In short, professional workers generally enjoy a more satisfying life than others. Those having a moral responsibility for promoting the wellbeing of workers in occupations possessing a potential for professionalisation are therefore obliged to consider the advantages and disadvantages of occupational development. Unions are well situated to accept such a responsibility on behalf of their members as employee wellbeing is one of their major aims. Employers in ascriptive occupations can reasonably be expected to accept some responsibility (whether or not they wish to) as their decisions unavoidably affect occupational development at every level. So far, due in part to the long-term nature of developmental processes of this type and the difficulty involved in recognising them, neither unions nor employers have seriously considered their responsibilities in this regard.

Occupational development follows no set pathway and considerable variety in outcomes is possible. Both the routes to be followed and the end result are capable of being consciously influenced. Conscious influence is possible only if accompanied by some understanding of the factors and dynamics involved. During the early stages of police occupational development (provided it eventuates) union managements and employers will be the principal exerters of conscious influence on occupational develop-

ment, directly and indirectly. Of course, governments and police employees will also exert considerable influence but largely in an inchoate and undirected manner. In the long run, it will be future generations of police workers who will exert the ultimate influence. The clearer the understanding throughout the occupation of the phenomenon of occupational development, the more acceptable should be the end result.

THE PROFESSIONS

The various criteria of professions have been examined by a number of social scientists and while no two lists agree precisely, neither do they seriously disagree.^{1,2,3,4} Arthur Niederhoffer listed professional characteristics as: (1) high admission standards; (2) special body of knowledge and theory; (3) dedication to a service ideal; (4) lengthy training; (5) code of ethics; (6) licensing of members; (7) autonomous control; (8) pride in profession; and (9) public acceptance.⁵ Niederhoffer's list, together with those compiled by others, is based upon the characteristics of classic established professions, such as medicine and law.

However, Etzioni and others have noted the emergence of a newer form of professional development, sometimes referred to as 'semiprofessions'.⁶ The existence of 'ascriptive'⁷ occupations has also been noted, in which an occupation is confined to specific organisations, for example police. These phenomena all possess their own implications for the professionalisation process, and the various criteria applying in respect thereof need to be treated flexibly. The classic established professions emerged at various times between the middle ages and the early nineteenth century. Currently emerging professions and aspiring professions are developing under very different conditions, for example novel means of production and in some cases, different styles, all of which require something less than full conformity with classic criteria. Modern occupations matching these conditions are sometimes referred to as modified classical professions. These modified criteria may be applied, *inter alia* to police, an occupation widely agreed not to have achieved professional or even advanced status as yet^{8,9,10} but which has the potential.¹¹

In addition to the classic professional models, for example law, medicine and high church, which ostensibly conform to the

criteria identified by Neiderhoffer *et al.*, such as commitment to professional norms and mastery of a large body of abstract knowledge, there is another perspective which views professional status within a narrow concept of mechanical efficiency.¹² From such a viewpoint, professional performance is measured in terms of smart appearance, high technology utilisation, well drilled procedures, well designed programs and high productivity. Such a model, in which only management or senior ranks achieve professional status, clearly involves considerable compromise of classic model criteria in that centralisation and strict internal discipline are emphasised.¹³ In the context of this modified military model, the Los Angeles Police Department has been cited as an example of a professional agency;¹⁴ emphasis being on organisational structure rather than individual employees. This form of professionalisation is inconsistent with the modified classical model referred to previously as only a small proportion of police workers would enjoy professional status within it. It could however, be seen as but a stage in the occupational development process, perhaps prior to the organisation-occupation nexus being severed.

There is a third professional model, one which emphasises quality of personnel, increases employee authority and decreases emphasis on negative disciplinary sanctions. Some distinction is admitted between ranks or specialty groupings but there is less emphasis on status than exists in the modified military model. Although only senior ranks and specially qualified groups achieve professional status in this model, all members are supportive of professionalisation. Berkeley and Menlo Park police departments are sometimes considered examples of this modified bureaucratic model.¹⁵ Again, emphasis predominates on the organisation rather than the individual but to a considerably lesser extent than in the modified military model.

These occupational models (or variations thereof) represent the three major lines of occupational development available to police, that is (1) **modified military** – more of the same but with improved performance in which top management positions achieve professional status; (2) **modified bureaucratic** – in which management and specialists alone achieve professional status but in which the entire organisational tenor is professionally oriented; and (3) **modified classical** – professional status in which all members share. The time frame in which these models could develop covers

the next 80 years, that is two full length careers end to end or thereabouts. By the end of that period, one assumes the process of specialisation will have eroded the ascriptive occupation-organisation nexus and fresh forms of development will have emerged.

OCCUPATIONAL STYLE

In terms of both structure and leadership, style comprises an essential part of any occupation's claim to professional status. Regardless of the model of organisational development or professionalisation applying, the more professional a format, the shorter will be its structure and the more diffuse will leadership be. In respect of the modified classic or modified bureaucratic models, the number of hierarchical levels would be small, perhaps three to five ranks depending on agency size, for example Police Officer I, II, III, IV or V. In such structures upward mobility would be limited and most members would need to be satisfied with little or no advancement in career terms. Career norms would be either Police Officer I or Police Officer II. Gratification would stem essentially from job satisfaction and a reputation of belonging to a 'professional' organisation. Police unions in Australia have over the decades argued not only for more ranks but for greater proportions of personnel establishments to occupy the higher ranks.

At the present time, the police service in Australia must be the most over ranked in the world, excepting only perhaps those of Portugal and some South American countries. Many current police ranks are unnecessary and even within present structures, could be reduced by one third without difficulty. Current structures are most congruent with the modified military model and unions would find it impossible in the face of membership opposition to argue for or agree to reduction in ranks without compensating benefits being applied to the remaining ranks – an unlikely event in the near future. Interestingly, an argument favouring reduction in ranks appears to be generating in Britain, a country already possessing relatively few police ranks. In departments in which commissioned and non-commissioned ranks are served by different bargaining agents, division of interests will tend to militate against the occupational cohesion necessary to create shortened rank structures.¹⁶

Multiple bargaining units highlight differences between em-

ployees rather than similarities. Juris and Feuille feel the distinction between management, that is commissioned officers, and other ranks encourages the professionalisation of management.¹⁷ Dick Ayres argues that union involvement in such matters presents management with a challenge to professionalise that must not be ignored. He suggests the challenge be met in part by encouraging a sympathetic view to professionalism among rank and file members¹⁸ — thereby favouring a modified bureaucratic model of occupational development.

With regard to leadership styles, police union officials generally appear to be rather more innovative, prominent and decisive than police administrators. Given the fact that the performance of senior police administrators generally is modest, such a judgment could reasonably be considered a case of damning with faint praise. Paradoxically, Australia has never had a finer set of Police Commissioners than those holding office at the time of writing. With but one exception, they are arguably the best chief officers ever to hold office in their respective agencies. Collectively though, as the occupation's senior personnel, they are mostly conspicuously absent when it comes to taking stands on matters of importance to the occupation generally, for example the firing of Commissioner Harold Salisbury in 1978 and the absorption of the Australian Capital Territory Police Force by a federal protective security agency the same year, and defending the occupation against attacks by members of enviroing occupations. In fairness though, it must be mentioned that the Commissioners jointly condemned the Australian Law Reform Commission's inquiry into criminal investigation. A vital element of leadership in any social environment is that of visibility and it is the police unions which are most visible when defence of the service is undertaken.

There are other examples of police unions acting publicly in protection of occupational interests, for example the opposition to the creation of a separate Road Traffic Authority by the Police Union of Workers, Western Australia, the opposition by the Police Union of Employees, Queensland to the government's attempt to place responsibility for pollution control upon the police department, the opposition by the Police Association of New South Wales to private mobile patrols and the protection by the Police Association of Victoria of members threatened as the result of a public inquiry. In only one of these events did a Police

Commissioner publicly express his feelings and on that occasion a police strike was imminent. In some cases, union actions have been deliberately stimulated by police administrators.

A typical case of such behaviour involved the sentencing of a man for making a false complaint against police to an Ombudsman. Rather than the Commissioner or the department concerned or an official spokesperson raising the matter publicly as a cautionary tale, the information was passed on to the relevant Police Association in the hope that the matter would be publicised by the Association. In a somewhat similar vein, a daytime TV program in one state capital staged a sketch critical of police 'verbals'. According to reports, the program's producers invited the department to send a representative to the show in the interests of balance. The show was not however, attended by a police departmental representative. On hearing of the event, the relevant Police Association contacted the TV station concerned and requested a right of reply. The association's president appeared on the show shortly thereafter and in the absence of departmental representation, presented a police point of view.

And yet, despite their vulnerability to dismissal, not all police administrators have been entirely reluctant to speak out on matters of concern to them. Such men, in recent times, included Reg Jackson of Victoria, Ray Whitrod of Queensland and Norm Allan of New South Wales. But even then, it must be admitted, they generally acted in pursuit of specific issues rather than as occupational spokespersons. In the United States, numerous police chiefs place a police viewpoint or rather, the view of their particular faction of the police community before the public. In Britain, John Alderson, Robert Mark and James Anderton in recent years have proved themselves excellent champions of the police cause. These three officials appear to have consciously accepted the role of occupational representative.

A principal characteristic of professions is that, in varying degrees, they determine their own futures. In the case of police though, the function, role and responsibilities of police are normally determined by outside forces – politicians, judges, bureaucrats, government commissions, etcetera. Sometimes token police participation is permitted but never in sufficient quantity or quality to seriously influence let alone determine outcomes. Such a situation is clearly uncondusive to professional development as the pressure

groups of environing occupations, for example lawyers, ensure any changes imposed on police are not supportive of professionalisation. Two cases in which lawyer dominated bodies in recent times have operated in a way calculated to reduce police administrative discretion include the Australian Law Reform Commission's report on complaints against police¹⁹ and the Lucas Committee report on the enforcement of criminal law in Queensland.²⁰ Neither report has resulted in recommended innovations being implemented in respect of police agencies other than the Australian Capital Territory Police Force, although there have been a few indirect spinoffs. Essentially, such instances are but individual skirmishes in the continuing war conducted against the police occupation by environing occupations and institutions.

Some commentators feel police professionalisation is undesirable because of the considerable coercive power wielded by police officers and that outside controls on police are necessary to prevent unreasonable use of such powers.²¹ It must be acknowledged in this respect that police administrators and managers generally have significantly contributed to creating public concern on the issue by failing to ensure sufficiently high standards of self-regulation and accountability among employees. But not all control systems are necessarily negative. The most desirable form of control is self-control. Barbara Price recommends that professional style disciplinary measures be introduced into police organisations in the expectation that peer regulation will encourage more responsible attitudes among police employees.²² When Serpico gave evidence before the Knapp Commission, he commented:

A policeman's attitude about himself reflects in large measure the attitude of his superiors toward him. If they feel his job is important and has status, so will he.²³

Intuitively, one feels such a statement to be true although it cannot be expected that personnel attitudes will change quickly. Thus, a lengthy introductory period of imperfect peer review should be expected when such procedures are eventually introduced into agencies — an act of faith few police administrators or politicians would, understandably, be prepared to accept at the present time. Two United States police departments have experimented with peer review in dealing with public complaints. In one, Oakland, the experiment is claimed to have achieved a substantial measure

of success.²⁴ On the other hand, the Kansas City pilot project was said to be unsuccessful.²⁵ It may be that Oakland police employees possessed sufficient professionalism to support peer review, whereas Kansas City police employees did not. Perhaps the failure in the latter case was due to an inadequately designed and conducted experiment by the Police Foundation. It is difficult to say at this distance. Two simple conclusions are possible nevertheless.

First, it has not been definitively demonstrated police are incapable of controlling themselves. Second, any attempt at such a professional innovation in Australia will require sensitive implementation. Both administrations and unions would need to participate in such enterprises as the implications range far beyond immediate organisational boundaries. In fact, the time is now ripe for police unions to review their policies on the question of public complaint resolution. Indeed, going one step further, it seems desirable that police unions operate diplomatically and with great discretion to encourage higher ethical standards and greater job commitment among their members, that is inculcate professional attitudes. Certainly, every police employee should feel that he or she could take to their union management (or a sub-committee thereof) evidence of misfeasance, malfeasance or incompetence, within their department and feel assured the matter would be adequately addressed. Such has not always been the case in the past and it is doubtful if it is universally the case even today. If police, both unions and management, do not operate to seize the initiative in areas of disciplinary and ethical control, governments and special interest groups will continue to advocate and introduce control measures diametrically opposed to professionalisation – the very process capable of providing a long-term solution to the problem of police control and accountability.

A major but diffuse impact police unions have generally exerted on police managements is to force greater rationality in decision-making, especially with regard to resources allocation.^{26,27} Conversely, administrators argue that by diverting funds from operations to salaries and by preoccupying management with industrial matters, unions have substantially acted contrary to the best interests of policy formulation and implementation. Regardless, arbitrarily or poorly prepared departmental decisions and plans are increasingly difficult to implement without their being criticised by unions, sometimes publicly. Promotion is one area

in which unions have been particularly influential. In the early decades of this century, police administrations relied on largely *ad hoc* and inequitable promotion processes. In a number of departments unions have achieved *de facto* seniority to offset the practice of favouritism. Massive dysfunctions flowed from the seniority system – such as low calibre managements and lack of organisational leadership. These in turn, have at times resulted in less than satisfactory levels of organisational performance. Thus, the cure has been as disastrous as the original ailment.

The structure and operation of the various police forces, both state and territory, at the present time are what might be termed product oriented, the corporate bottom line emphasising data (results?), coupled with an amalgam of public and commercial management principles. Many police administration and management texts reflect such emphases, emphases favouring development of a modified military model of professionalisation. However, professionalisation requires that concern for process rather than product becomes dominant.²⁸ That is to say, before police officers become professional they must acquire a greater concern for complying with the principles and ethics of their occupation than with achieving results, that is with quality rather than quantity; an attitude inconsistent with a purely productivity orientation. The degree of commitment to process, that is attention to legal, evidentiary and other requirements, will vary according to whichever style of development predominates.

The growing public debate concerning police 'verbals' represents an example in this respect. Even allowing for the fact that the flames of this particular debate are often fanned by those who are either occupationally jealous of police, for example lawyers, or disgruntled subjects of police actions, for example convicted persons, the fact remains that a not inconsiderable number of police officers do resort to the practice. Viewed within an occupational development framework, such employees can be seen to clearly militate against the professionalisation process by their disregard for process in the pursuit of results. Concern with process is clearly more central to the modified classic and modified bureaucratic models, as each could be expected to have an ethos supportive of the criterion. Unions could find themselves in some trouble in proselytising members in favour of strict observance of process, as the principle of due process would be pitted in the view

of many police officers, possible a majority, against a stronger commitment to the 'greater good' – a jesuitical sentiment underpinning many acts of well intentioned police misbehaviour.

Too, union managements could in some states, find themselves forced into uniform branch *versus* Criminal Investigation Branch disagreements. Such disputes have occurred in the past, for example in New South Wales and South Australia, and recurrences are always possible. The latent antipathy between uniformed and detective branches is never far from the surface. Although frequently denied, the tension is quickly apparent when disputes occur between members of the respective branches. In terms of emphasising process to the disadvantage of product, police unions have been known to protest the productivity imperative, such as when protesting 'ticket quotas' allegedly imposed on traffic patrolmen in certain forces. However, in such cases the question of motivation arises. Is the right thing being done for the wrong reasons? Do traffic patrolmen protest informal pressures for quotas because quotas are inconsistent with professional police work however defined or is it a question of patrolmen merely not wishing to work as hard as they are required to? Certainly, the rhetoric of professionalism is raised in such cases: it always is when increased productivity is required. But knowledgeable observers generally agree police employee resistance to management generally is not primarily inspired by a spirit of professionalism but rather, a very human desire to either not work at a pace not easily sustainable or under unnecessarily suboptimal conditions.

A characteristic claimed to inhere only in professions is that senior members are not exclusively concerned with management but continue to practice.²⁹ This observation reflects the truncated hierarchies existing in the classic professional model and the wider individual autonomy exercised when operating therein. With respect to police, the detective branch possesses greatest potential to meet such a requirement.³⁰ In fact, in Britain for example, it is not uncommon for senior detective officers to be employed purely as operatives. There is great merit in keeping expertise in the workplace. In Australia, this practice is not as widely followed with the result that important investigations are often conducted by relatively junior personnel while more experienced senior detectives perform exclusively executive roles. This situation in part, is indicative of a serious underranking of detectives generally.

Even so, the potential for the professionalisation of the police criminal investigation function is clearly evident.^{31,32} for example autonomy of operation exercised by practitioners, body of abstract knowledge necessary to operate effectively, complexity of task, etcetera.

For members of any occupation in the process of developing, certain fundamental requirements must be satisfied. Pay and conditions of employment (at least in ascriptive occupations) need to be sufficient to support a professional image. Dick Ayres argues that in pursuing improved economic conditions police unions are unconsciously combating those conditions which (according to Frederick Herzberg and discussed in Chapter Six) have the greatest potential to depress satisfaction levels in organisations. By achieving financial gains, improved working conditions etcetera, he suggests, a climate suited to the growth of professionally satisfying conditions such as individual responsibility and achievement is encouraged.³³ Other commentators, such as Schultz and Pomerleau, conversely argue that preoccupation with such mundane matters is anti-professional.^{34,35} Ayres of course refers to effects, whereas the others are concerned with motivation. Both views possess merit. It is understandable that unions operate in ways which simultaneously encourage and discourage professionalisation, as do administrators.

Some observers implicitly assume the police occupation as a whole possesses potential for professionalisation and that all members within the occupation are equally long-term candidates for professional status.^{36,37} Others feel that only certain aspects of police work offer potential for professionalisation.³⁸ Such views depend in large part on the observer's conception of professionalisation. Clearly, many positions currently occupied by police personnel are unsuited to the classic professional model. Reception, process serving, guarding, traffic controlling, despatching, chauffeuring and piloting, offer no potential for professionalisation in the traditional mould whatever. Such positions however, are consistent with the modified military model of professionalisation and to a lesser extent, with the modified bureaucratic model. The present organisational solidarity of police officers in Australia indicates the shedding of positions lacking professional potential could not be easily achieved, especially should discarded positions be civilianised.

The reaction of the Western Australian police to a proposed shedding of the traffic function in 1975 provides an indication of the reaction which could be expected from employees should similar moves occur at some later date either in Western Australia or elsewhere. The original employee-based uproar in 1975 concerning the loss of identity faced by the Australian Capital Territory Police Force with its threatened takeover by another body is another case in point. However, the eventual collapse of employee opposition following compromise in the West Australian situation and total defeat in the federal situation suggests employee solidarity may, given favourable conditions, be either broken or significantly modified. The implications for unions in such matters are crucial. Unions can either make or break most employer sponsored innovations given the necessary motivation.

A prime motivation of union managements is the desire not to lose dues paying members. Reforms involving lost union memberships will thus incur greatest union opposition. Concern by employees for the future of the police occupation is at present a less compelling motivator. External and internal pressures for role shedding will undoubtedly continue, especially as governments are faced with the increasing expense of employing well paid police employees, many of whom perform totally unskilled tasks. Unions will find themselves eventually forced into considering such matters as pressures for change further increase. It will be the unions' difficult task to steer a course between the competing short range demands of employee groups and governments while at the same time bearing in mind their supreme role as protectors of police employees generally.

Probably, the most knowledgeable and certainly the most experienced police industrial relations practitioner (emeritus) in Australia is R.M. Tremethick, formerly Secretary of the Police Association of South Australia. Early in 1981, Ralph Tremethick canvassed police union managements throughout the country in addition to speaking to numerous individual police officers. His conclusions, based on such contacts were: (1) grass roots sentiment is forming among working police officers favouring distinctions between community, administrative and technical groupings; and (2) police union managements had not to that time appreciated the emergence of such employee sentiments.³⁹ If Tremethick's impressions accurately reflect an emerging employee consensus,

unions will eventually become aware of it and be obliged to react.

Again, the necessity for unions to be constantly aware of their members' feelings as well as understanding the implications of such views is obvious. Without such awareness unions cannot respond adequately to employee demands or adequately prepare long-term aims. Unions could and ideally should create occupational development sub-committees to consider such matters. Superficially at least, the growth of opinions detected by Tremethick seems consistent with the growth of a sentiment favouring the modified bureaucratic professional model.

Police employee solidarity in the face of impending reforms will be taxed by the demands of better educated members possessing higher than average expectations concerning self actualisation. Thus, early in the development process unions may find themselves split due to divergent views among members, for example the majority of unprofessionally oriented members⁴⁰ versus a minority having acquired varying degrees of professionalism and favouring professionalisation. The resolution of such stresses will primarily decide whether police unions develop eventually into professional associations⁴¹ or remain largely unchanged with professionally oriented members hiving off. Personal relations between employees can be of a very low order under such circumstances, leading to substantial animosity. The late Art Niederhoffer graphically described the unpleasant locker room atmosphere which occurs under such circumstances in *Behind the Badge*.

One factor frequently mentioned in the professionalisation debate is that of mobility.⁴² Indeed, in Britain command of a police force is not open to an officer having served only in that organisation. There are of course, no complications in that country of pension portability, a matter which poses a problem (although far from insuperable) in Australia. Pensions are however, just one of a number of problems affecting police employee inter-organisational mobility. The principal obstacle is that of lateral entry. Union policy is in all cases opposed to entry (regardless of previous police service) at levels other than cadet or trainee constable and in some cases, Commissioner.

The breaching of seniority systems and the consequent reduction in advancement possibilities posed to members having had to start at the bottom of the organisational ladder by the prospect of lateral entry is contrary to much that employee bodies have striven

for over the years. This sentiment has long been evident in Australia, although stronger in some states than others. As long ago as 1922, a policeman was reported in the Sydney press as saying, 'Every man who joins the force aspires to at least an inspectorship and many of us expect to go higher.'⁴³ A similar attitude prevails in the case of out of turn promotions. It will be remembered that recently, in the Police Department of New South Wales, a Senior Inspector was promoted over about 40 Superintendents. Aggrieved members of the Commissioned Police Officers' Association protested directly to the Premier in deputation and the promotion was overturned.⁴⁴ Ralph Tremethick has suggested that contract employment be provided for within police awards. Contracts, he suggests, could cater for professional officers, for example psychologists and radio engineers, who require mobility as part of their professional development. Recruited at a specified rank, they would remain on that rank for the period of their contract.

The Police Department of New Zealand has a somewhat similar provision for specialist officers in respect of whom it is desired to make them police officers. They are recruited at a determined rank and remain in that position, having no right to enter the department's career structure. The Police Department of Victoria has resorted to brevet ranks for certain specialists, for example air pilots. Significant employee dissatisfaction with brevet ranks, however, suggests alternatives are preferable, such as base rank plus specialist allowance. Substantial professionalism within employee ranks will be necessary before employees in some states significantly change their views on the subject. Certainly, resistance to lateral entry will slowly recede but ready acceptance will take many decades to come about. In the meanwhile, no police union would dare get too far ahead of its members on such a matter, even were its management committee so inclined. In the short run at least, in the absence of well conceived long-term strategies, police unions are unlikely to effect significant change in the area of inter-organisational mobility. They can on the other hand, be expected to oppose reform efforts by administrations unless such measures are developed in close cooperation.⁴⁵ Great sensitivity will be necessary in this area of employee protection.

One major problem already noted in respect of police occupational development relates to the heterogeneity of union memberships in the wake of increasing levels of professionalism.⁴⁶ As

special groups, for example forensic science technicians and communications officers, separately develop their specialist professionalism the tendency to either form or join specialist associations already in existence will grow. Forensic technicians for example, may prefer to join their state branch of the Australian Forensic Science Society, just as librarians tend to join their respective state branches of the Library Association of Australia. Provided professional organisations, such as those mentioned here, do not pursue an industrial role then no direct threat to continued police union existence is posed because their central industrial role will remain unchallenged.

However, special interest bodies may divert professionally oriented members' energies and interests from police union affairs. Special interest bodies may also take up matters of purely professional interest direct with employers. Such demands will not necessarily be consistent with union policies, thereby perhaps decreasing both union authority and power. In diluting the nexus between unions and employees, specialist professional bodies will directly detract from the potential of police unions to become professional bodies. Certainly, employers will see the opportunity for splitting employees' ranks by setting one body against another. Developing specialties, such as patrol and community service groups, may see common interests across force and union boundaries and even organise regionally or nationally.⁴⁷ Such specialty combinations could even pursue members' economic interests. The fragmentation of police employee bargaining units in such a manner could lead to serious short-term destabilisation of police industrial structures.

An additional possible complication attaching to the professionalisation process concerns the possibility of attempts by non-police unions to recruit persons currently under police awards. One tentative move in this respect occurred in respect of the Police Department of New South Wales air pilots not long ago. Moves of this nature can be expected to recur, especially with the encouragement of members desirous of identifying with more prestigious occupational groups. Thus, plan drawers might conceivably elect to join the Association of Draughting, Supervisory and Technical Employees at some future time or pilots wish to join ranks with the Australian Federated Air Pilots Association and so on. The greater the levels of professionalism in police forces,

the greater will be the difficulty of unions in retaining industrial homogeneity among their members. Fragmentation of police unions may, of course, be encouraged by police administrators. Having to deal with a host of competing employee unions would certainly make life difficult for employers but such a situation could at the same time permit them to divide and control. Such future states will depend greatly on the ability of police union managements to appreciate the options involved and prepare accordingly.

One interesting initiative designed to cope with the career needs of technicians and specialists occurred in Queensland. In that state, the Police Officers' Award incorporates separate provisions for such personnel. The initiative itself sprang from the Industrial Commission rather than the employer or the police union, and in itself represents an interesting example of an impact on employee affairs resulting from the industrial process. An attempt is made in the provisions of the award to cope with disparate employee needs within a single industrial package.

INDUCTION

It has been said that training in the police service is an organisational rather than an occupational function.⁴⁸ The point is well made. Nurses in training for example, spend relatively little time dealing with regulations pertaining to their employing institution. Operational procedures taught are common throughout the nursing occupation. Police on the other hand, are concerned with numerous administrative procedures, many stemming from local/state legislative requirements, for example dealing with applications for stock movement, second hand dealers' licences and firearms permits, etcetera. Such procedures occupy a disproportionate amount of training time.

In addition, they are impediments to professionalisation. A similar approach is adopted in relation to departmental procedures, such as dealing with found property, explosives, bail reportees, etcetera. Such procedures, together with a preoccupation with law and evidence, have long dominated police classroom training to the detriment of the development of a substantial body of universal knowledge and theory special to police. That is to say,

for the last 50 years at least, police trainers, administrators and other practitioners, have failed to adequately record and develop police knowledge. Such development is one of the central requirements of professionalisation. With the recent establishment of police tertiary diploma courses in New South Wales, Victoria and South Australia,⁴⁹ it is hoped the development of a purely police body of knowledge will be encouraged as a long-term product. Police unions have played a positive role in the establishment of all these courses – in one case, a leading role.

The constructive attitude of Australian police unions generally concerning higher education of police employees represents a distinct advantage to the occupation generally. It is felt these educative initiatives will eventually have the greatest impact on police employee attitudes by means of the professionalism they will help engender. Enrolments are still small but inevitably, they will grow. By the time some hundreds of police officers in all states and territories have graduated from diploma courses as well as other tertiary offerings, not only will many graduands' expectations vary significantly from those of their non-graduate peers but there will be a body of members some of whom will view events critically, with researchers' eyes. From these influences a genuine body of recorded police knowledge and experience should arise and in varying degrees, police unions will have helped bring it about.

The debate as to whether it is preferable to recruit graduates or educate serving officers has existed in the police community for some time. The issue is gaining currency at the present time as a few university graduates are now being recruited and a number of serving police officers are obtaining graduate qualifications. Clearly, to recruit graduates possessing four and five year bachelors degrees in the traditional manner is and will continue to be largely wasteful given present career structures and internal reward systems.⁵⁰ Serving police officers who obtain tertiary qualifications and remain in the service experience problems, for example frustration, but nevertheless, they experience lower levels of frustration than graduate (four years plus) entrants. In the past, most accountancy and law graduates tended to leave the service fairly quickly anyway but there is some evidence the trend is now reversing. This reversal must favour the broad professionalisation process regardless of model.

ORIENTATIONS OF EMPLOYEES

Reference has been made to the possibility of police employees organising at some future time according to specialist orientation. The point holds particular relevance to work areas such as patrol, special operations, community policing, criminal investigation and traffic control. The development of such specialist, although not necessarily professional, orientations may have the effect of reducing member commitment to both employing agency and union⁵¹ in favour of specialty association. United States indications so far suggest police specialty organisations, for example investigators and researchers, have evidenced little impact as pressure groups and none at all as bargaining agents. However, in Australia the situation in the non-police sector is such that some professional groups possess an industrial role, for example Teachers' Federation and the Australian Medical Association;⁵² thus, it should not be assumed Australia will follow the American pattern in this respect.

It seems possible that as a degree of professionalism develops within police agencies, members individually will become increasingly less compliant and willing to accept the unsupported dictates of management. Employees can be expected to become less tolerant of administrative failures and inadequacies.⁵³ Not only will administrations find it increasingly necessary to defend their policies when challenged but as a result, greater resources will need to be expended in policy and planning formulation. Ironically, improved departmental decision-making could have the effect of encouraging unions not to participate in the process, thereby depriving management of the insights, talents and other resources of organised labor. The increased inputs and tensions that would inevitably accompany such decision-making could prove unattractive to union management.

EMPLOYEES' INPUTS

The professionalisation process may be seen as part of a broader trend in public life to a wider distribution of authority and power, especially insofar as the modified bureaucratic and classical models are concerned. With regard to public sector organisation there seems to be a current shift from unilateralism to a limited bilateralism. There is no reason to assume, despite

periodic fluctuations in economic fortunes, this (apparent) process will not continue in the long-term. Those processes through which power is shared, for example consultation, negotiation and bargaining, are now *de facto* part of everyday management practice in the police workplace and are, according to Archie Kleingartner, 'the implications of [this] revolution are a tall challenge to public management and employee organisations alike.'⁵⁴

In the gradual shift to bilateralism, labor-management liaison has become an important fixture in departmental policy and planning formulation. One manifestation of liaison is the labor-management committee. These committees vary somewhat over time. During periods of high tension committees may meet frequently, perhaps once a week. During periods of low tension routine meetings may be abandoned in favour of *ad hoc* meetings, as dictated by circumstances. These forms of liaison are discussed more fully at Chapter Four. Apart from formal labor-management committees, several police departments maintain a number of standing committees, such as that dealing with transport and uniform, upon which union representatives sit. *Ad hoc* committees, such as those dealing with women in policing and appraisal systems, are formed by administrators periodically and union representatives are sometimes invited to participate. Two well known observers of the American police union scene, Hervey Juris and Peter Feuille, consider such behaviours represent early evidence of professionalisation.⁵⁵ Certainly, all police union officials agree exchanges of views and contributions to policy formulation are valuable and contribute directly to the benefit of members. However, union officials also feel departments must significantly upgrade their industrial relations expertise with the appointment of knowledgeable, fulltime industrial officers, either civilian or sworn, possessing sufficient authority to make their word concerning award interpretations complied with throughout their respective departments.

SUMMARY

The wellbeing of police workers generally can improve through occupational development. The police occupation possesses potential for development. Those individuals and institutions possessing moral authority for employee protection and/or the power to encourage development are bound to consider their

respective positions in this respect. Although occupational development is possible there are several forms it can take and these forms may well change over time. Certain roles may have to be shed if the highest levels of development are to be achieved.

At the present time, police unions and police employers possess the greatest moral responsibility with regard to police employee protection. Together with governments they are also in a position to encourage occupational development – always provided such a course is considered desirable. The time frame is considerable, probably extending at least over two career spans end to end. Thus, if occupational development is considered desirable in the cause of police employee protection or indeed for any other reason, a conscious philosophy requires to be developed within the police community with which to underpin the process. Inconsistent philosophies may even emerge over time, the process will almost certainly be inchoate and extended in its early stages.

For such philosophies to emerge, considerable thought and debate will need to precede the event. Eventually, only professionally oriented bodies will have both the moral authority and capacity to develop a coherent professionalisation policy. In the meanwhile, employees, employers and unions need to develop their collective consciousness concerning police employee protection generally. Occupational development is by no means an assured process. Little real progress has been made over the last 20 years and recent events suggest decay in the police occupation has already started.

Several models of police occupational development (professionalisation, are possible, They should not necessarily be seen as alternative options. Perhaps each model (or variations thereof) may more usefully be considered as stages in the developmental process, for example present → modified military model → modified bureaucratic model → modified classical model.

No process of social change represents all advantages and no disadvantages to the actors and institutions involved. Whether the police occupation develops or decays, tensions will develop. Thus, although it may be true to say that police employees generally will benefit from occupational development, some will be disadvantaged in the process – an important consideration! Will the gains justify the losses? Obviously, no forecasts in such matters can be precise

but given the nature of development it can be said with assurance that certain unfortunate outcomes must inevitably accompany any professionalisation process. For instance, tension will develop between specialists and non specialists. This particular area of tension will manifest itself along several dimensions including graduates and non graduates, professionals and anti professionals, social service oriented members and strict law and order oriented members. Tensions will vary over time, possibly peaking in the mid-term when competing pressures will be at their most intense. They will create division among union and departmental managements alike. Thus for a period at least, the quality of police interpersonal relations could deteriorate significantly. Ironically, occupational decay may not involve such severe social losses.

In a more positive vein, employee relations should benefit from the introduction of positively structured internal control mechanisms and more democratic decision-making within organisations. Improved decision-making is likely to be accompanied by less didactic management styles. Greater attention will need to be directed to career needs of employees and, additionally advancement criteria will generally become more stringent. Thus, areas of strain will be balanced by moves to greater harmony. The precise amalgam and its effects will depend on the care and thought applied by employees, their unions and employers to the development of the occupation. Only in the final stage of the classical model of professionalisation will the good life be assured police practitioners.

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Chapter 8

Future of Police Unionism

Although some of the trends and future states discussed in the following pages will eventuate at times so far into the future no police officer now serving will experience them, the consideration of such matters is by no means pointless. Apart from the fact that some of the short-term future states posited here will eventuate within the careers of serving members, suitably informed and concerned members of the police occupation will be in a position not only to discern the emerging trends of longer term states but also to influence them. The greater the understanding achieved by police employees and others concerning such matters, the greater will be the opportunity to effectively develop the occupation of the future. Preparation of this nature will require levels of occupational awareness and statesmanship not now apparent but which will hopefully develop within a reasonable period.

OCCUPATION

Police agencies are hosts to the various unions associated with them. Without departments at this stage of police occupational development, there can be no unions. The future of police unions in the short mid range future will therefore, be substantially determined by the fortunes of host departments.

There is no doubt the police service performs a valid and valued role in society. Despite the objections of detectives and other specialists to the contrary, it is argued the central component of that role revolves around public order maintenance. The 1962 report of the British Royal Commission on the Police shrewdly stated order maintenance ranked with national defence as a major government responsibility.¹ Unfortunately, public order maintenance duties have traumatic impacts on those sworn to the task.

The experience of many American police during the civil disturbances of the late 1960s and early 1970s undoubtedly played a major part in the rise of police labour militance in that country. Even in Australia where public disturbances during the same period occurred on a considerably lesser scale, the psychic trauma incurred by many field officers who physically coped with street violence is still apparent. The contribution of such experiences to employee militance levels was considerable and is still present, although greatly diluted by time.

Any interpretation of current social trends must surely conduce to a pessimistic view of the public order outlook. In the rundown to the end of the twentieth century public order is expected to be a major social problem in Australia² and elsewhere.³ Major factors contributing to the creation of significant disorder in the next 20 years include increased leisure time/unemployment resulting in part from technological innovation and an inability of governments to adapt to shrinking work forces,⁴ decreasing political and social consensus within the community, increased concentrations of mobile and affluent young people intent on pursuing a hedonistic life style⁵ and a willingness to use violence as means to achieve criminal and ideological ends. Violent major crimes too, are also expected to increase.⁶

Already in New South Wales, Queensland, Victoria and South Australia, police are preparing logistically and tactically for more forceful public operations.^{7,8,9,10} The scene is setting for a future style of policing in which hardhitting patrol and other special public order groups will be employed, as has already occurred in Britain, Northern Ireland, Canada and parts of America. As the interconnected processes of violence and counter violence progress, the psychosomatic and social impacts on police personnel will become increasingly evident. A major behavioural manifestation of such pressures, if past experience is to be a guide, will be increased employee industrial militance. The implications of such militance for governments, police administrators, police unions, police employees and public are likely to be substantial and far reaching. Certainly, the quality of police employees' lives generally will probably reduce and significant industrial changes could result in efforts to prevent police indulging in job actions at critical periods of social upheaval. The bargaining position of police employees

will vary in strict accordance with the scale of social violence obtaining and therefore their importance to government.

It is beyond dispute that the goals of the police service have yet to be adequately articulated.^{11,12} As increasing specialisation (surely the most potent determinant of broad future trends) requires greater and ever greater effectiveness, improved system and program goal definition will be unavoidable. Police unions can be expected to be deeply involved in both the selection and definition of those goals, their members having strong ideas in some areas as to what constitutes proper police work.¹³ A case in point was the South Australian Government's 1981 decision to make police responsible for the removal of cadavers following the refusal of ambulance officers to handle them. This remarkable decision and the departmental administration's even more remarkable acceptance of it, constituted a retrogressive move from the point of view of occupational development. The Police Department of South Australia's employees naturally strongly resented the decision and the Police Association of South Australia protested the decision, taking it to the Industrial Commission.¹⁴ This protest represents an example of a police union accepting responsibility for not only occupational defence but indeed departmental defence. The matter was eventually resolved by the granting of an allowance for cadaver handling — not a satisfactory outcome but one arguably better than no recognition at all of such an unpleasant task.

Police unions will continue to channel employee inputs into departmental policy formulation, sometimes cooperatively and sometimes (as in the above case) not cooperatively. In so doing, unions will increasingly have to pre-guess members' reactions to issues, for example creation of new structures and introduction of new procedures, when participating in decision-making as there will be many occasions when time will not permit a ballot being held or employees will not have had time to formulate their views. The growing need of future union managements to be sure of members' views prior to contractual and other commitments will create a demand for greater and more sophisticated membership opinion sampling. In fact before long, professional pollsters will be employed by unions needing to ascertain members' views on matters of such complexity as to make simple balloting inadequate. The same option will of course, also be available to management.

Common sense dictates unions and managements combine in annual audits of member attitudes. However, present indications suggest such cooperation is unlikely in the immediate future. Above all, both unions and employers will need reasonably detailed corporate strategies designed to provide direction when immediate factors fail in themselves to suggest appropriate reactions. It is pleasing to note that both the Police Associations of South Australia and New South Wales have taken steps to develop such a capacity. Without such a capacity it is impossible to be other than purely reactionary. True leadership inevitably includes a strong element of proactivity.

As well as lawyers' groups, many special interest bodies will attempt to share in the process of reformulating formal police organisational goals. Police unions will find themselves obliged, in order to counteract such external forces, to influence public opinion and other determinants of police role by employing a variety of media. Such tactics are in fact already employed and future moves will be more in the way of providing greater emphasis than fresh innovations. Police goals are partly decreed in legislation and unions can be expected to pay increased attention to lobbying politicians in attempts to ensure legislated goal statements consistent with employee needs. Again, such moves will be essentially a continuation of present practices. Conditions relating to police 'health and comfort'¹⁵ are sometimes enshrined in legislation. Increasingly, such matters will be subject to negotiation and unions can be expected to operate so as to have all such matters removed from legislation. Expertise will improve with practice and the stage may be reached within the next decade where police unions become significant lobbyists — as has already occurred in the United States of America.¹⁶

In addition, police unions will attempt to play a more creative role in shaping government policies concerning police roles through consultation and involvement. For example, the British Royal Commission on Criminal Procedure [1981] not only had police unionists represented on various of its working parties but a former head of the Police Federation of England and Wales was one of the royal commissioners.¹⁷ The appointment was of considerable significance to the police occupation, indicating the increasing influence and status of the police union movement in Britain. No union appointments were made to the Royal Commission on the

Police [1960] or even to the much more recent Committee of Inquiry on the Police [1979]. Although union representatives were outnumbered in total on the various inquiries undertaken by the royal commission on criminal procedure, their presence ensured not only due consideration of employee views by the commission but permitted the appraisal of opposing views by employee representatives. From the government's point of view, the tactic paid off, as the Federation reported most favourably to its members concerning the royal commission's recommendations.¹⁸ It remains of course, to be seen which of the report's recommendations are ultimately accepted by government.

Police unions in Australia are already in the habit of making submissions to the various inquiries bearing on the interests of members and/or the occupation. Several of the larger associations also participate in seminars and public meetings where police interests are publicly debated. The union role of shaping public opinion by means of reasoned debate and publicity can only grow. But an ever more saturated public will make the task of persuasion increasingly difficult. Employment of professional public relations consultants and publicists will eventually become necessary if significant impacts are to be made on the public mind concerning police policy issues.

In New South Wales, the Lusher Inquiry [1981] into police administration had two employee assessors assigned. One, an Association Senior Vice President, represented non-commissioned members; the other, commissioned ranks. These appointments were essentially sops to employee apprehensions at the time of the Inquiry's announcement. The task of the assessors was apparently to comment on selected materials, or portions of materials, as requested by the Judge. The decision to appoint a judge, any judge, to study police administrative needs was singularly inappropriate. The inappropriateness of some of the report's recommendations, the limited discussion of many important areas such as personnel management, training, structure and function, the meagre awareness exhibited of organisation and management theory and above all, the narrow legalistic perspective evident in much of the report, all reinforce the conclusion that judges should not be used as universal experts by governments.

As it is, should the government attempt to introduce without great sensitivity any recommendations stemming from the Lusher

Inquiry report which radically offend police rank and file sentiment, for example an open promotion system, job actions will quite possibly occur. Police employee interests in the future may at the very least refuse to cooperate with such inappropriately constituted inquiries. As, despite its deficiencies, the Lusher report may have significant implications for police organisation and administration in New South Wales, the Police Association of New South Wales took the exceptional initiative of conducting a three day conference of delegates to consider the report, its findings and the union's reactions thereto. Although still an essentially reactive measure, this initiative was indicative of the potential possessed by unions to operate as responsible professional representatives.

Attempts to define police work in the future in ways unacceptable to prevailing employee sentiment will at times pose problems to police authorities. Administrations and governments may be embarrassed by employee resistance to proposed changes and unions may be embarrassed by having no clear mandate in cases where broad employee consensus is lacking, for example whether policing is strictly a regulatory and coercive function or a socially oriented service.^{19,20} Not only will such fundamental conflicts need to be resolved before any basic restructuring of the occupation can be attempted²¹ but deep division among employees on some issues could well seriously impair union and for that matter, management solidarity. Even when police employees do get their ideological act together, substantial problems of preparation and implementation will remain.

Regardless of which function ideology is adopted by police, greater emphasis on the social/behavioural sciences will be necessary in police training.²² Fortunately, formal residential training time, a cause for employee complaint in both Tasmania and Queensland, will be greatly reduced due to computer aided learning. Necessary technology is already available and only preparation of materials remains. Implementation should occur within a few years in the more progressive police forces. Increased residential training has become evident over the last five years in most police departments and anything that can be done to reduce its disadvantages, for example absence of students from families, will be welcome.

Police agency structures of the future will need to keep pace with an increasingly unstable society. In a rapidly changing world, deep seated commitment to the *status quo* is a guarantee of obsolescence.²³ Given that all police agencies are currently organised as bureaucracies and that bureaucratic structures are poorly suited to self-induced reform it seems probably police structures will continue to be inappropriate to prevailing conditions at an ever increasing rate. That same insensitivity (South Australia and Northern Territory being partial exceptions) to the need for constant adaption should ensure continuing tension between administrators and unions regardless of other considerations. With a low capacity for internally promoted reform, externally imposed inquiries, for example Moffitt (1973-1974),²⁴ Lusher (1979-1981)²⁵ in New South Wales; Kaye (1970),²⁶ St Johnston (1970-1971),²⁷ Beach (1975-1976)²⁸ in Victoria; Gibbs (1963-1964),²⁹ McKinna (1969),³⁰ Lucas (1976)³¹ in Queensland; Norris (1975-1976)³² in Western Australia; and McKinna (1973)³³ in Northern Territory, can be expected to continue. Pressures for reform of police practices and policies seem to be increasing. Such pressures originate from a host of official, demiofficial and private sources, ranging from minority groups through law reform commissions and civil libertarians to the federal government. It is recognised that police administrations will (and often rightly so) continue to resist the imposition of unwanted pressures behind the scenes and attempt to avoid the implementation of unwanted recommendations where formal resistance is ineffective. So too will police unions. But when it comes to the public defence of agencies under criticism, it is the unions which will be to the fore while administrators will largely, based on present performance, ignore their responsibility for overt leadership.

Some observers feel the short-term future of the police occupation will be dominated by technology.^{34,35,36} Whether such a forecast eventuates remains to be seen but significant technological impacts can certainly be expected. In fact, both police administrations and unions need to closely monitor the subject. Important areas requiring research relative to technological impacts include: (1) reduced employment; (2) structural and processual change; (3) career implications; (4) change in the nature of administrative tasks; (5) recruiting implications for both sworn and civil staff; (6) reduced individual autonomy; (7) changes in account-

ability; (8) changes in decision-making; and (9) redistributions of management and union powers.³⁷ In a less direct fashion a major threat to employee welfare inheres in the near total insensitivity of systems designers to human needs. This fact also indicates a rocky road for technological innovation. It also provides ideal grounds for union-administration cooperation by means of coordinated research and planning.

Concern with technology and hardware may eventually plateau or even decrease. At that time it is thought, attention will focus more intensely upon the professionalisation process and a corresponding concern with police tertiary education.³⁸ How effectively organisational adjustments will be made in the face of such events (should they occur) will to a considerable extent reflect the level of formal leadership available at that time. The crisis in police management has long been remarked upon,^{39,40} especially with respect to the failures of administrators to define a homogeneous police group⁴¹ and create organisational environments suited to the effective utilisation of available talent.⁴² Although the literature on these topics mostly relates to America, much of it is also applicable to Australia.⁴³ New South Wales subordinate rank representatives have expressed dissatisfaction with management⁴⁴ and while it is not suggested such dissatisfaction currently represents a problem, such sentiments are widely expressed throughout the states. Much talk of this type is the traditional griping of junior personnel concerning superordinates and is appreciated as such. But not all such criticism is gratuitous, including comments made by intelligent, educated and administratively aware junior ranks.

Accompanying such attitudes is a decreasing willingness of junior members to comply with petty regulations lacking apparent validity. Such regulations are often symptomatic of generation gap and commitment to a uniformed, militaristic ethos now fast fading among young people. A case in point concerns the promulgation of dress regulations for plain clothes personnel in the Police Department of New Zealand. *Inter alia*, leather jackets were proscribed, a requirement which elicited frank criticism from some members. One published response indicated certain types of banned apparel would continue to be worn in open opposition to a policy devised by 'outdated and old fashioned leaders'.⁴⁵ The order was subsequently withdrawn. Similar criticisms concerning bans on beards, certain types of haircuts and safari suits are widely

extant in Australia, all of which serve to erode goodwill to management among junior employees. Critical and vocal attitudes among younger members can be expected to become increasingly common in the future and managers will have to take into account the likes and dislikes of members whether they wish to or not. Unions will either act as mediators in such matters or take the initiative in pushing for reforms, according to their respective styles of operation. At the collective level, there is some evidence they will take the initiative.⁴⁶

The natural indignation of members will need to be curbed in relation to public affairs if the police service is to successfully adapt to changing social needs. Members generally will need to develop considerably greater concern for process as well as an ability to control their emotions. Training will be the central tool in attempts to achieve attitudinal and behaviour modification of this kind.⁴⁷ Because of the sensitivity of the topic and its potential to be viewed as interfering with members' privacy, unions will need to be closely consulted concerning the development of training materials. It is essential police do not become just one more competing unit in future social conflicts. Police must be seen (as far as is humanly possible) as being impartial and apart from the fray. If not, occupational development could be severely impeded, even defeated. The potential of the police occupation to achieve such impartiality cannot be assumed at the present time.

In adjusting formal structures, police authorities of the future will be affected by both human and economic constraints. Such constraints, whether deriving from shortages of appropriate personnel or funds, may well conduce to centralised, productivity oriented management styles favouring a modified military organisational structure. Decentralised modified bureaucratic and professional styles involve greater costs in terms of material and staff duplication. Over time, technological developments, especially microprocessor utilisation, should minimise such disadvantages. But short-term economics could well operate in favour of increased centralisation. Another short run development deriving from shortage of money will be a continuing trend to coordinated services on an inter-force basis. It is in relation to such moves that occupational leadership qualities of a high order will be necessary among both chief officers and employee representatives.

Rather than just leadership, the essential quality required will be more akin to statesmanship. Both character and vision are necessary characteristics of police senior ranks and employee representatives.⁴⁸ An ability to see the broad canvas, not just small and immediate portions thereof, will be essential. This quality is currently in short supply in the ranks of both management and unions. Present moves to coordinate criminal intelligence and research are typical examples of poorly considered state reactions to offers made by federal sources, offers of resources not immediately available within the states. The inevitable and serious implications for long-term debilitating impacts on the police service inherent in federal involvement in police affairs are surely apparent to police administrators and others.⁴⁹ And yet, a short-term concern by administrators for funds has permitted the creation of structures quite opposed to the long-term good of both the police occupation and policing itself. It is essential both departmental and union managements of the future insist on the creation of an interstate police commission to coordinate all inter-Force initiatives. It cannot be assumed however, that strategic sophistication of this order is achievable in the short-term.

UNIONS

Ralph Tremethick has predicted police unions will continue to gain strength, that they are permanent bodies in the industrial firmament and they will continue to improve the lot of employees.⁵⁰ Certainly in the short-term, he is correct. Police unions are well established in all states and the Northern Territory and are enshrined in a number of police regulation statutes with respect to certain roles, such as defending officers at departmental trials. In the mid long-term however, unions will have to meet and surmount problems of professional representation.⁵¹ If police unions fail to surmount these obstacles, they are unlikely to retain their pre-eminence as employee representative organisations. In fact, if unions fail to come to terms with occupational development, they will find competing professional associations entering the field. The specialisation process will lead to great strains being placed on employee solidarity in the mid-term as members polarise on the issue of professionalisation.

Police unions have emerged as significant influences on the form and substance of the police service only in recent decades. Of course, even if unions did not exist, today's police employees would still oppose some departmental policies, quite possibly taking wildcat actions in response to some situations. Similarly, even if unions had not existed, police pay and conditions of service would still have improved over the years, although probably not to the extent now obtaining. Economically, it seems the greatest benefits unions have provided police employees are pay rises at substantially earlier dates than would have otherwise occurred. Thus, whereas police pay rises in the absence of unions may have been large but infrequent, perhaps following special inquiries and/or political turmoil, as has generally been the fashion in England and Wales, police unions in Australia have ensured perhaps smaller but more frequent rises. Such advances represent clear long-term economic gain to employees. Police unions have made great gains also in diluting the authoritarian style of police administrators. Without unions, little change in employee relations would have occurred over the years and members would still have been subjected to the rigid and authoritarian personnel practices of Victorian times.⁵² It is recognised at the same time, the successes of unions on the economic front have been influential in aiding gains in areas of authority and policy.⁵³ Unions have also aided police administrators by generally maintaining open communications and minimising employee militance.

Continued significant gains in both areas are unlikely to be great in the immediate future. Unions will continue to seek to obtain even larger slices of the budgetary pie for their members' pockets and certainly, some gains remain to be made. But a growing demand for rationality in determining improved economic conditions combined with very definite limitations to real economic advances in the future indicate a definite monetary limit is approaching. This situation will become more apparent once inflation is reduced to a low level. Purely catch-up movements resulting from inflation give a false impression of substantial real gains being made at the present time. More, unions will increasingly need to indicate to employers and arbitrators how near-static budgets (in real terms) can be equitably distributed among the various budget heads. With regard to decision-making in policy matters, a survey of union secretaries in April 1981 showed they

were reasonably satisfied with the present division of authority between themselves and administrators and do not look to increase their influence. They all agree responsibility and authority must remain with chief officers and have no wish to usurp their powers. They all, nevertheless, wish to improve the consultative process. to be involved in decision-making as the junior party.

Thus, in all decisions made which are of interest and relevance to them, union managements wish to be assured their viewpoints have been adequately considered. Naturally, they would like all relevant decisions to be consistent with their interests but are unwilling to take responsibility for such decisions. Thus, for most major decisions at least, only qualified participation will be required by unions. Such a situation, of course, allows unions to 'have their cake and eat it' inasmuch as they wish to share in administrative decision-making without accepting responsibility for outcomes. Thus, if a decision were ultimately to prove unpopular with employees, union managements as agents for employees would feel free to criticise the very decision to which they had perhaps contributed. A certain inequity operates in such situations, although it may be argued that the freedom to criticise is the price of not being an equal party to the decision-making process. Consultation rather than participation in management seems to be a major union requirement for the near future. Given the legal and moral problems attaching to accountability, substantial union participation in policy level decision-making would necessarily require a significant degree of departmental professionalisation. Warren Bennis has suggested a participative atmosphere requires: (1) consensus; (2) full and free communication; and (3) influence based on expertise only.⁵⁴ Such advice seems self-evident but is only possible in professional environments, where managerial accountability is not the legal and psychological problem it currently is in police agencies and will continue to be in the short-term.

It is not easy to predict how the transition from one level of organisational development to the next will be made. One possibility in the short mid-term could be the development of a Japanese style of consensus management, perhaps in conjunction with management by objectives, in which individual emphases are subordinated to group needs.⁵⁵ An essential element will be the reduction of 'distance' between top and bottom of the hierarchy.

Whatever future accommodations are arrived at they will surely be accompanied by organisational trauma in greater or lesser degree. A second possibility is that a developmental chain from present to modified military to modified bureaucratic to modified classic formats may develop. This is an exceptionally important area for research and requires high focus within the next few years. There are a number of different models to be tested in this respect, including team policing — a concept that has unfortunately, emerged rather too early in the police developmental process. Its current failure must not be taken as final but it should be reexamined again some years hence.

Even in the midst of change, complexity and relatively shrinking budgets, conflict between administrators and employees is not universally inevitable given a modicum of goodwill and common-sense. Of course, union officials like administrators, are political and cannot stray too far from their respective constituencies.⁵⁶ But common interest inheres in industrial harmony and given reasonable personalities on both sides of the table, cooperation is achievable. Good working relationships necessarily eschew bad faith tactics such as union leaders being combative merely for reasons of ego gratification or to placate militant factions within their ranks and administrators attempting to split union managements by favouring particular members, for example the president at the expense of the secretary or *vice versa*. Ideally, two levels of agreement should be jointly decided upon by labour and management. The first level involves joint approaches to those matters permitting cooperation. The second level involves agreement to disagree where cooperation is impossible due to conflicting needs.

Ralph Tremethick referred, in the course of a talk to police administrators on police labour relations of the future, to the confusion which occurred in the Police Department, South Australia following the introduction of a 40 hour working week. Confusion arose because the issue had been strongly opposed by management and the necessary introductory planning had as a result not been undertaken. Had better relations existed between labour and management at that time and had those better relations permitted clearer and more positive thinking, to say nothing of cooperation once the issue was determined, much inefficiency would have been avoided. Tremethick forecasts the 35 hour

working week for police is inevitable. Without prejudice to bargaining regarding date and manner of introduction he suggests unions and management should together plan implementation once the provision is approved. Such a proposal makes good sense as well as illustrating the two levels at which the parties can cooperate.

Tremethick also recommends similar forms of cooperation in respect of age 55 retirement on full superannuation, regulations concerning promotions and transfers and stress relieving programs. Management may well not wish to even admit the possibility of some future events for fear of stimulating employee expectations but the broad principle of cooperation remains sound. Many issues are not eligible for settlement by arbitration and can only be resolved through negotiation, that is collective bargaining. When administrators fail to maximise whatever goodwill to management exists among employee representatives and cooperate in good faith wherever possible, unions find themselves forced into the wider political arena in which they mostly operate more effectively than administrators and other government industrial representatives. With their ever improving expertise in media manipulation and lobbying, their demonstrated ability to (under certain circumstances) substantially damage political careers, capacity to hire needed forensic and other professional assistance, police unions are capable adversaries.⁵⁷

Police unions are said to foster democratisation within authoritarian organisations.⁵⁸ There are signs democratisation in police unions themselves may increase *de facto* in the short-term future. Until recent times, a number of police unions in Australia were dominated by long serving secretaries who held a monopoly of industrial relations expertise. By virtue of their industrial knowledge and powerful personalities these men dominated their respective unions, albeit within formally democratic frameworks. There is now a new spirit evident, perhaps most apparent in New South Wales and South Australia, in which union executive members are showing a growing desire and ability to exercise control, rather than paid secretaries. As the old style secretaries retire or are redeployed within their unions, it seems possible the tradition of strong, long-term executive secretaries will lapse. In their place may be lower key secretaries operating as union managers rather than as industrial policy-makers. Executive presidents seem likely to emerge in the wealthier eastern police unions

where there are sufficient funds to purchase industrial forensic expertise when necessary and where the benefits of office are particularly attractive. The relative advantages and disadvantages attaching to the debate concerning strong secretaries *versus* strong presidents may be argued at length but ultimately, it is individuals who determine quality of performance. Some secretaries have performed well, others modestly. Executive presidents, provided they wish to be promoted within their departments can be susceptible to employer pressure but not necessarily so. Where there is a rapid turnover of executive presidents, as is the case in many American police associations, the great disadvantage is that they just have time to learn their job before being replaced, sustained experience thereby being made almost impossible. Such situations necessarily conduce to poor performance. The practice of electing vice presidents in rotation works well, especially where there are several such officers. As aspirants each year are promoted through the vice president grades, they gradually prepare themselves for presidential responsibilities.

However, when police union 'tickets' stand for election, as has happened in some American cities and in South Australia, the vice president system does not operate effectively; ticket candidates may find themselves voted into executive office entirely without experience. The vice president system is also largely based on fixed term presidencies. Present indications are however, that political style electioneering within unions is unlikely and the vice president system has potential in those environments favouring executive presidents. On the other hand, executive secretaries provide greater continuity of knowledge and experience and if tied to reasonable contracts, can be dismissed if their performance is not acceptable to the membership. Generally speaking, executive secretaries provide greater industrial professionalism, although with increasing numbers of bright young policemen and police-women rising in the service this does not have to be the case. Several police associations, mostly smaller ones but including the wealthy Police Association of Victoria, have long-term serving executive secretaries. As commented just previously, there is no definitive answer to this organisational conundrum because personalities comprise the critical factor. There is, too a considerable difference of opinion among practitioners concerning the depth of membership talent capable of performing as executive

presidents in the larger unions. For smaller unions, the serving secretary is increasingly seen as an effective option as happens, for example in the Northern Territory. In terms of the increasingly important occupational representation aspect of union activities, as distinct from the purely industrial role, serving police officers are obviously more desirable as union officials than paid officials.

Through their role in relieving the frustrations of personnel working in authoritarianly conducted organisations, police unions are said to help improve members' self-esteem and self-respect – necessary bases of democratic cultures.⁵⁹ The continued role of unions in this process is assured, although it will be largely governed by whatever organisational developments emerge in the years ahead. The democratisation role of police unions will become increasingly important to the psycho-social stability of police employees as the quality of society gradually deteriorates in the wake of rapid social and technological change.

Over the years, considerable change has taken place with respect to public perceptions of police unions. At the outset, they were universally viewed (even by most police) as dangerous bodies possessing the potential to challenge established authority.^{60,61} Now, opinions are divided on the question. To quote Herman Goldstein, 'some see the unions as the natural enemies of needed change; as committed to protecting the hard earned gains reflected in the *status quo*. Others see the unions as a new and potentially dynamic force for positive change, especially as they press for a more democratic police organisation.'⁶² Through their ability to operate with modest success without resorting to extreme or irresponsible measures, police unions have (largely unconsciously) succeeded in at least significantly reducing public resistance to their existence – a necessary precursor to significant occupational development.

ADMINISTRATORS

Police administrators generally have not dealt effectively over the years with the growth of police militance.⁶³ It is true some determinants of police militance are beyond the direct influence of chief officers, such as high accommodation rentals, lack of government housing and inadequate salaries. At the same time, it must be accepted that most if not all, agency chiefs are open to

criticism in varying degrees. Such a situation is not, of course, peculiar to police. A major criterion of successful performance of public sector chief administrators concerns their ability to acquire for their own departments at the very least a fair share of available economic and material resources.

Police administrators generally have not been successful in this regard and even in those situations where a reasonable slice of the public cake has gone to police, the reasons were often only marginally connected with the administrative abilities of chief officers, for example Sir Robert Askin's promise to 'look after' the police in New South Wales was purely politically motivated. Administrators must either improve their general performance or the service will surely deteriorate. It is not sufficient for administrators to argue, as they sometimes do, that they are so constrained by regulations, ministers and unions that they cannot possibly perform well. They, like all other public and private administrators, can only be judged by results obtained within the totality of their environment. Those police administrators lacking necessary preparation for their role and/or who are not prepared to provide leadership on behalf of both their organisations and the occupation should not have sought advancement in the first place. Having obtained it, they are properly subject to criticism where warranted, just as are all other officials!

There is some indication the various police commissioners intend in the immediate future to resist more firmly the efforts of unions. There is little evidence at the present time however, that they possess the capacity to be successful in this approach. Police industrial relations could therefore deteriorate further without compensating performance gains. Administrators would be better advised to strive for improved relations with unions, a policy which could still include an improved capacity to resist attempted intrusions by unions in the field of managerial prerogatives. A 1981 survey of union secretaries showed they unanimously felt the most important thing commissioners can do over the next decade is to improve communications with employees, including greater consultation with unions. It was also widely felt that commissioners must institute more professional and effective industrial relations units, which should in all cases receive higher funding and staffing priority than is presently the case. This advice seems sound in view of the fact that all secretaries but one felt

there would be police strikes within the coming decade. In fact, most felt there would be police strikes of one form or another within the next five years. Subsequent Police Federation statements have substantiated this view. Improved industrial relations from the employers' perspective includes not only a heightened awareness of the necessity for change but also a very definite effort to upgrade the status and quality of industrial representation. Departmental industrial officers should be assigned full time, with chief superintendent status or equivalent, complete with all necessary supporting structures and assistance. Industrial officers must have ready access to chief officers, not deputies or assistants, and be accorded wide authority in all award-related matters. It is pleasing to note that most departments are moving toward such provisions.

A former senior United States police officer has observed that police managers require greater understanding of the needs and expectations of their members and of how unions operate.⁶⁴ The comment holds generally true for Australia also, despite the fact that a number of police commissioners over the years have held union office early in their careers. The ability of management to achieve such understanding is in part constrained by the broad managerial philosophy pervading commissioned ranks. Police management styles are largely didactic, being accompanied by suitably 'proprietary' attitudes. Chief officers, senior management and unit commanders tend mostly to think in terms of 'my' men, even though they are but temporary custodians of public resources. It is this very attitude which creates instinctive resistance among many commissioned ranks to employee unions. Such paternalistic attitudes, however muted, assume management not only knows more than subordinates but knows better than those subordinates what is best for them in the working environment. The generation gap alone ensures such is not always the case.

Some areas of personnel administration are by no means the exclusive responsibility of management and in some cases, the legal authority of commissioners to make some of the decisions they do in the area of regulation is questionable, quite apart from considerations of moral authority. Personnel management has always been a particularly weak item in the police administrative inventory and represents a high priority for improvement. In rationalising and strengthening management, deep thought needs

to be applied with respect to new management styles. Bias to a scientific management style, which seems to be emerging in departmental executive development initiatives at the present time, will surely create as many personnel problems as exist under the present didactic style.⁶⁵ Deep thought needs to be paid to the question of management philosophy and what will be needed of police management in the future. For this reason, a good deal of the management training currently provided police officers (often by inexperienced instructors) needs to be reviewed. Adequate reviews clearly cannot be undertaken in the absence of a well defined departmental/managerial philosophy.

A major effect of union growth has been to divide subordinates from commanders.⁶⁶ Prior to the emergence of unions, the nominal allegiance of all ranks was exclusively to their chief officer. Unions diverted the allegiance of many members to the extent that nowadays members' primary loyalties are not necessarily either to their organisation or to administrators. The point is legally and ethically complex, other factors also conducing to the present relationships existing between the various authority echelons within police agencies. Although it is not argued any great dialogue existed between ranks in the old days, the existence of unions today has served to reduce the potential for direct communication between managers and rank and file members. Should a conscious two tier policy of cooperation between management and labour not be attempted, it seems administrators will inevitably attempt to win back some of the hearts and minds lost in the wake of recent union development. In fact, some union secretaries sense a low key campaign by employers has already commenced.

Despite their limitations, the various police administrations are not entirely without the means to achieve partial success. The combination of uncontrollable external factors combined with limited managerial competence will ensure unions remain in business however. One obvious tactic is for administrators to place key union officials on their personal staff with a view to at least dividing their loyalties. This possibility of course, represents a major weakness of the executive union president style, unless he or she is employed fulltime on union duties. In a more general approach, managements can consult directly with employees, ignoring unions. This approach was used by earlier administrators, such as Commissioners 'Bull' Leane of South

Australia and William 'Big Bill' Mackay of New South Wales, in attempts to isolate union executives from their members. In more recent times, Ray Whitrod attempted to establish industrial advisory committees within the Queensland police department. Regardless of his motivation, many subordinate ranks certainly viewed his action as deliberately divisive.⁶⁷ Union executives naturally resist such attempts, arguing individuals or groups of police officers have no mandate to speak for their peers. Only the union, they insist, possesses such a mandate.

Ralph Tremethick has warned police administrators they must deal with the unions and should some administrators attempt to by-pass union executives, extreme tensions will develop. Such manoeuvres strike directly at the basis of union power and are certain to be strongly resisted. Even so, smart administrators can be effective with the use of well thought out and applied tactics. Quite apart from any motivation to undercut unions, managements may quite rationally decide to consult with the rank and file direct. The Police Department of Tasmania has on occasions held meetings of staff by ranks, although such meetings tend to involve commissioned officers only, that is inspectors or superintendents. One pilot meeting of sergeants was held but has not been repeated. Properly managed, meetings or conferences of staffs of stations or districts are helpful in improving internal relationships generally as well as providing vital feedback to management. In addition to pressuring independently minded union presidents and appointing executive committee members to their personal staffs, administrators can provide alternatives to union delegates as channels for employee complaints.

When dealing with the ultra aggressive and effective Patrolmen's Benevolent Association at the beginning of the 1970s, Commissioner Pat Murphy of the New York City Police Department established an Employee Relations Service. This service operated in addition to the industrial relations and personnel sections of the department. The Employee Relations Service was represented in each precinct, its representatives operating directly under the Commissioner of Police and not subjected to normal line control. The function of the Employee Relations Service members was to field personnel grievances quickly and effectively. Where necessary, they had access to the Commissioner himself. In this way for example, a patrolman with a sick wife and who was unnecessarily

posted to the opposite side of the city from which he lived received quick relief. After initial employee suspicion, Employee Relations Service representatives quickly established credibility to the extent local union delegates started using them — surely the ultimate accolade.⁶⁸ This was a fairly direct and overt way of reducing not only union influence but also the power of an array of influence brokers operating within both the department and associated political structures. A good welfare service can serve much the same purpose.

The New Zealand Police Department's welfare unit represents an ideal model for such an approach. Such structures cater essentially for traditional grievances rather than broad industrial disputes, such as firearm calibres or the length of meal breaks. As unions expend a great deal of their limited resources in dealing with personal complaints of such a nature, it is assumed they would happily forego much of whatever kudos they achieve among members from their personal grievance resolution activities if such an avenue existed. One compromise would be to appoint union officials as force welfare officers as, in fact, is the case in Tasmania where the president of the Police Association of Tasmania is the department's welfare officer. The Royal Canadian Mounted Police, in a direct move to head off the formation of a union, formed a division of staff relations. The division's main objectives are to:

Seek and maintain a balance between Force objectives and responsibilities and the personal aspirations of members. This requires member participation at every level, not only in matters affecting personal needs and aspirations, but in the general management of the Force. It involves staffing and other administrative functions, recognising the responsibilities, authority and prerogatives of managers as well as the rights of members, especially the rights to good conditions of employment.

Effective communication in all directions is essential to good staff relations.

Representatives from each territorial division within the force are elected by their peers and deal with the reception of members' problems, concerns and recommendations to management on a fulltime basis. The program which includes both sworn and civilian employees, is designed in part to reduce 'we-they' attitudes among employees.⁶⁹ Such a scheme, if well implemented, operated

and confined to personal grievances, could do much to reduce tensions in the various state and territory police departments which are conducive to police employee militance. The precipitation of police strikes is rarely caused by employee dissatisfaction with pay but if Royal Canadian Mounted Police administrators cannot ensure acceptable levels of economic remuneration for employees, comparable at least with those of other police agencies which do have unions, the program insofar as it is designed to prevent union formation must fail. Indeed, there is already some indication of employee desires to form a union and if unsuccessful, the threat of 'scarlet fever', that is wildcat strikes.⁷⁰

If police administrators are to retain sure control of their organisations in the short mid-term future, it will be necessary for them to avoid highlighting conflict situations. To maximise public and employee perceptions of police managements as possessing valid claims to authority within their respective agencies, it will be necessary to underplay inevitable areas of conflict with respect to management prerogatives and maximise efforts and publicity designed to create equitable and enlightened policing systems.⁷¹ In order to do so, areas of internal and external friction will need to be frankly surfaced and effective feedback systems developed. In relation to unions, administrators must exercise a fine balance between consultation and principled direction. Such balance is only feasible when an organisation is internally secure and managerially effective.

Regardless of police philosophies and management styles to be developed and/or adopted in the next decade, greater levels of executive and administrative expertise will be necessary to protect management from union dominance in those areas of special interest to unions. The risks inherent in leadership must be accepted. A constructive in-house spirit of questioning of established practices and values (a practice deeply feared and resented in all police management echelons) must be encouraged.⁷² Reason and objectivity must prevail, rather than the old spirit of 'do as I say' which has largely passed for police executive practice in the past. In other words, police management at all levels must improve radically if both the occupation and the service are to develop. There are of course, considerable differences between the various police departments with regard to quality of management. But in all cases, lead time in raising standards to the required levels — espec-

ially in depth – will be lengthy. The less well prepared forces are facing something in the order of 20-30 years before their respective management corps can hope to match the depth and competence of most large commercial organisations. Even the more aware police agencies, which are already competently addressing problems of executive development, are looking at lead times of 15 plus years. In the meanwhile, those force managements lacking depth, will be excessively reliant on talented individuals to guide them. Such individuals, apart from lacking adequate peer resources, will mostly incline to strong egos and intolerance of environing power bases. Good labour relations are not encouraged in such environments.

One broad management approach to improving labour relations concerns the promotion of industrial expertise at all levels. Ideally, principles of dispute resolution, etcetera, should be included in portal training and then dealt with in greater detail at in-service administration courses. Certainly, it will be highly desirable in the industrial climate of the future for all police managers to routinely possess a basic knowledge of the practices and principles of industrial and employee relations as part of their administrative development.⁷³

At the same time, administrators need to learn that labour relations and collective bargaining are not solely economic phenomena. They involve human institutions and behaviours which are ignored only at the risk of organisationally debilitating tension. In learning this lesson, a process requiring far more than mere conscious realisation of the point, managers of the future will have to develop fresh techniques to aid in the creation of effective and sincere employer-employee relations generally.⁷⁴ Open, vertical communications not only serve the purpose of keeping administrators informed of problems as they develop, but preferably, even before. Part of the improved management competence required in the short mid-range future will be an ability to keep pace with the changing expectations of employees with respect to authority.

It is clear employees (as opposed to unions) increasingly want a bigger say in their working conditions, roles and functions.⁷⁵ There is little point in administrators resisting the trend or bemoaning the fact that employee relations of three and four decades ago no longer apply. Those managers who fail to adapt will be

unable to effectively cope with future employee relations and labour problems. Growing employee expectations across a range of matters are already making management a far more complex process than it was even a short while ago. The increased sensitivity of police employees of the future to those exerting authority over them will continue to make the management process difficult.⁷⁶ The growth and success of unions in the future will be determined in large part by the capacity of management to maintain the initiative. Should management fail, unions will expand to fill the leadership vacuum and protect their memberships. If management improves, union growth will be influenced accordingly.

COOPERATION

A means of employee-management cooperation favoured by some union officials is that of employee participation in major decision-making. Unions have no desire for final responsibility for decisions or plans at the present time, only to have their say in the process of decision. The basis of tension in such situations rests in the balance of respective contributions to decisions. Skilful managements should be capable of maintaining their integrity in such circumstances. However, the problem of unions on occasions requiring a final say on issues of particular importance to employees will always remain a source of conflict.

Participation in decision-making as a form of employer-union cooperation may be desirable for more than one reason. For example, police unions possess the power to stymie many management initiated decisions or programs with which their members strongly disagree.⁷⁷ There is little or no indication of employee power diminishing in the short-term future in the larger unions. On the contrary, in some departments it seems bound to grow. As the future progresses, authority will be based less on position, that is legal authority, and more on knowledge and professionalism.⁷⁸ As problems and their solutions become more complex, a more participative mode of management may become attractive to all parties so as to optimise the utilisation of available knowledge and experience as well as to reduce accountability.

Ideally, management and unions will form working groups to identify areas of future change in which both possess special interest in order to maximise lead time for development and

implementation of solutions.⁷⁹ Such initiatives require a great deal of serious thought and some expertise but if unions combine their expertise with that of administrators where appropriate and seriously tap into their memberships' opinions, much can be done to create a police future considerably less problem strewn than will otherwise be the case. The ultimate in such cooperation would be standing joint futures committees designed to identify major future problems in respect of which cooperation and joint preparation are possible. Unions will surely cooperate in such joint undertakings, it being clearly in their interests to do so. Tomorrow's problems are largely a product of today's lack of preparation!

SOME LONG-TERM THOUGHTS

There will be no rapid increase in management competence in the personnel function, although increased ability in operational specialties may occur quite rapidly. Areas of possible specialisation include traffic control, patrol, community programs, forensic specialties, prosecutions, criminal investigation, emergency/rescue service, crime prevention, internal security, security and intelligence, transport, juvenile aid, and prisoner handling and security. Some of these areas will plateau at sub professional levels of expertise, for example internal security, transport, prisoner security and handling, security and intelligence. Ultimately and over a long period of years, most of these duties will be shed and other occupations cluster about them. Some roles, such as traffic control and emergency/rescue, have no professional potential while subsuming under the police rubric but if released and clustered with, perhaps counter disaster operations, may ultimately achieve professionalisation.

At some stage in the future, federal government will undoubtedly attempt to move into the internal security field. Indeed, more than one federal agency is paying thought to the creation of national third force organisations. Coastal surveillance and coast-guard type duties afford opportunity for attempts at yet further intrusion to say nothing of a national crime commission. State resistance is essential if balanced and effective public security is to be maintained. Federal competence in all areas of public security, exclusive only of security and intelligence operations, is considerably inferior to that of the states, and it will be quite

contrary to the country's best interests if, for example, a national coastguard were to be created. Coordinated state agencies are the only answer, both politically and operationally. State resistance to further intrusions into the public security field could possibly produce federal efforts to create a national police service, despite the constitutional problems attaching to such a proposition. Such a move would create interesting and complex legal and political problems.

The competence of state authorities to resist future financial blandishment of federal negotiators in pursuit of the sorts of expansion indicated above can only be guessed at. Certainly present indications, for example research and criminal intelligence coordination and combined drug enforcement units etcetera, give little cause for complacency. And yet, all such possibilities possess great implications for the wellbeing of police employees. Police professionalisation is possible only within state/territory environments.

Public order is a central element of police work as presently concerned;⁸⁰ even though the organs of public order enforcement lack professional potential. Thus, the continuing trend to specialisation may militate against the police public order role. Unions may well be eventually faced with consciously deciding whether to support a subprofessional (or at best, a modified military mode) public order oriented occupation or elect for a higher degree of professionalisation in the absence of what is now considered a core role. In the latter case, the fundamental nature of the police occupation will alter. Decision-making of this type, if such there be, will be most taxing for all involved. As result of such stresses, the police occupation could become a matter of individual rather than corporate identification. Should such a development occur, individuals having no public order responsibilities would nevertheless identify as police workers. In this manner, with the shedding of core elements of police work, such as public order or patrol, police status would no longer be dependent upon being a sworn public official. Self and privately employed persons would be able to qualify as police occupational specialists, much as social workers and nurses of all descriptions identify with their occupation today. Necessary professional qualifications would probably be either university based or granted by a professional institute. Unions will be deeply involved in all events leading to such a future state

and no doubt, would act to minimise the occupational influence of any police professional accrediting body, unless they themselves acquired the role.

In fact, at some stage late in the twenty-first century identifiable police organisations will quite possibly no longer exist. Umbrella type public security ministries will most probably emerge in which traditional police units (although not necessarily labelled as such) will operate in conjunction with paramilitary, public safety and protective security units, rather in the manner of American public safety departments but on a larger and more complex scale. As previously noted, such a status may well exclude criminal investigators as they possess their own strong potential for professionalisation;⁸¹ the potential applying across the entire range of employment – self, public and private. Police unions operating within a public security service would need to decide whether to become responsible for a broad range of loosely affiliated public security specialties or to confine their energies to that smaller body of individuals who will continue to identify as mainstream professional police workers. Of course, any effort to represent all, or a goodly number of public security employees, would either result in considerable conflict between competing unions or perhaps, an amalgamation of unions. Such a possibility has already been realised by one police union secretary.⁸² At this distant stage, it is impossible to forecast whether police unions will obstruct the police professionalisation process by insisting on maintaining an ascriptive status or support the process by encouraging the rupture of the organisation-occupation nexus.

CONCLUSION

The future of police unionism will be determined by a bewildering array of conflicting and interacting forces, direct and indirect, internal and external, general and specific and short, medium and long-term. Essentially any discussion of police unionism is a discussion of the police occupation, as police unions are at the present time artifacts of police organisations. Thus, the needs of employees, the occupation, employers and unions are best considered within a common framework.

Given a generally pessimistic public order/violent crime forecast in the short range future, employee militance can be expected

to increase. Police unions will, on balance, operate significantly to relieve that militance. Police administrations on present indications, seem more likely to be resistant to union activities than cooperative. Given generally low levels of management competence and the lengthy lead time necessary to remedy the problem, a strategy of confrontation with unions could be risky. Unions on the other hand, possess certain advantages over administration, especially their smaller demand for management talent and have been more successful overall. Even so, their management expertise generally is also not high and while improvement may occur in the near future, unions are quite as lacking in men of vision at the present time as are administrators. The police occupation is of course, far from unique in its shortage of members capable of dealing effectively with domestic matters while at the same time being able to adopt a global view.

Management preference for confrontation or at least strong resistance to union approaches holds strong implications for extreme employee reactions. Police employees are increasingly less compliant and in the face of continued low calibre personnel management, require greater participation in the making of decisions which directly impact their health and comfort. A failure by administrators to improve communications throughout their agencies will set the scene for police strikes in the short mid-term future. Such disharmony may be conducted against a backdrop of occupational decay.

Administrators will, in the event of their entering into a policy of resistance to unions, need to gain greater support from rank and file members. The potential for such a strategy is considerable but unions will naturally vigorously oppose such tactics. On present indications, unions seem likely to win battles resulting from such strategies provided they are strongly motivated, although some of the smaller ones would be badly mauled in the process. Outcomes will naturally be influenced by union managements of the future, which could be quite different in terms of both sophistication and ideology from those operating today. Greater harmony would exist in a two tier policy of agreement and disagreement which could provide the basis for a reasonably satisfactory level of industrial relations.

Technology, growing social complexity and specialisation will all contribute to a rapidly changing social scene in which both

unions and administrators will need to consciously attempt to keep pace with those changes. Police unions will have a less strenuous task in this regard as the generation gap will generally be less pressing in their case. The need to keep pace with employee expectations will be vital for both sides. Should unions misread the scene too grossly in the next decade or so, they may find their executive committees/councils forcibly taken over by more radical younger men.

Decisions by management to resist union overtures will pose considerable problems for both administrators and unions. To raise police managerial competence generally to minimum acceptable levels will take until at least the end of the century. Long before that time, the police service will be subject to pressures resulting from hazardous and unpleasant duties as well as internally generated employee dissatisfaction. Under such circumstances, members will be capable of indulging in significant job actions. If past performance is any guide, it will be left to union executives to either minimise such actions or talk members back to work. Administrators are understandably irritated at having their authority impaired and decision-making capacity diluted. On the other hand, police administrators should appreciate the fact that they are confronted by some of the most conservative, tolerant and responsible unions in the entire labour movement.

If police administrators in the various states and territories were ever faced with recalcitrant and combative police unions as exist, for example, in San Francisco or Boston, they would be entirely unable to cope. They would quickly wish for the good old days when the present union managements prevailed. In short, present police administrators do not yet appreciate just how destructive employee unions can be. A policy of outright management resistance to unions could, if unsuccessful, result within the next decade in police unions becoming considerably less conservative. Administrators could then find themselves faced with situations such as occurred in 1973, when certain German Lande police subordinate ranks became for a time almost uncontrollable, walking their beats with flowers in their hair.⁸³ There is no shortage of disruptive elements in our society which would be quick to support such tendencies. Alternatively, administrators could find themselves with a tightly organised union such as the Boston Police Patrolmen's Association, closely monitoring their every move, directing non

compliance with those moves with which it did not agree⁸⁴ and taking such matters to court, most often winning. Administrators not only need to improve their industrial relations capacity, they need to be just as knowledgeable in the area as they are expected to be in any other field of management.

It seems possible police administrators will attempt a loosely coordinated approach to their industrial relations. Their present coordinating structure, the Commissioners' Conference, is inadequate to the purpose. To be effective, not only in the area of industrial relations but across all dimensions of their responsibilities, especially where they relate to occupational leadership, a new format is needed. To do this, state and Northern Territory Police Commissioners and Ministers need to establish, with or without federal funding, an Interstate Police Commission. Such an approach, coordinated by a competent Commission executive director (of Commissioner status), could be most effective. To hold their own in the face of such a move, unions would be obliged to breathe fire into the presently largely ineffectual Police Federation.

Although police unions can sensibly be considered a fixture in the short to mid-term, their stability in the longer-term is less certain. The nature of the occupation will change; rank and file solidarity will erode in the face of specialty affiliations. Administration at that time, perhaps in the latter half of the twenty-first century, will be equally stressed as the occupation adjusts in the light of that greater specialisation and complexity. The regrouping of discarded fragments may result in organisations of a broad public security nature forming. Thus, in the long-term the police occupation will possibly fragment, becoming one of professional individuals employed publicly or privately, or even self-employed. In all probability, police unions will in adapting to the various structural reorganisations preceding an individually as opposed to organisationally based police occupation, disappear; thereby following police administrators (as such) into extinction. Before such events occur though, several generations of unionists and administrators will have helped steer the occupation to its destiny.

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4 John Hulbert, 'An Eye on the Future', *Police Review*, vol. 85, no. 4458, 23 June 1978, p. 928.

5 *The Canberra Times*, 20 April 1981, p. 1.

6 Bruce Swanton, *op. cit.*, p. 7.

7 *The Daily Telegraph*, 27 April 1981.

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16 It is recognised of course, that the political system generally in United States of America is predicated on lobbying to a far greater extent than is the case of Australia and that United States police unions naturally accord with the prevailing system. It is still the case though, that United States police unions generally are far more aggressive political lobbyists than are their Australian counterparts regardless of national differences.

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Chapter 9

Police Federation

FIRST INTERSTATE MEETING

It is impossible at this remove to establish precisely when the idea first occurred of the various police unions combining. Once police unions themselves appeared, some members would no doubt have speculated upon the possibility of inter-union affiliation. So far as can be ascertained from available documents, significant interest in police union affiliation first occurred simultaneously in Western Australia and Victoria.

With regard to Western Australia, the idea flowed from a report submitted by the Commissioner of Police to his minister early in 1920. The commissioner's report was in response to a query from the minister concerning a salaries claim previously submitted by the Police Association. In the course of his communication, the commissioner stated his view that police salaries should be standardised throughout Australia.¹ This line of reasoning led Police Association officials to subsequently consider the possibility of an annual conference of police unions to discuss matters of mutual interest, such as salaries. The fact that the various police commissioners had just started regular interstate meetings provided an example in this respect. The matter was discussed in the association's magazine,² copies of which were sent to other police associations. The association did not formally raise the point with other police unions, although its published discussion no doubt stimulated interest in the idea.

Victoria's involvement in the process started when that state's Police Association on 29 July 1920, at its quarterly meeting, instructed its secretary to write to the secretaries of the various other police unions throughout the country to ascertain their views on the formation of a federated Police Association.³ It is not

known what caused the subject to be included in the meeting's agenda. Suggested advantages of a federated association included: (1) closer feelings of comradeship; (2) uniform conditions; and (3) greater efficiency. Western Australia's police union's reaction to the Police Association of Victoria's letter was to conclude that the Victorians had elaborated upon the Police Association of Western Australia's original idea.

Police Association of Western Australian officials further construed the Victorian letter as advocating a federated police service and expressed strong opposition to the idea of federal involvement in policing. An annual conference of representatives of the various state police associations was thought however, a reasonable proposition.⁴ The president of Queensland's Police Union on the other hand, expressed the belief there would soon be 'one big police union',⁵ a sentiment which must have alarmed not only interstate colleagues but also his state's government. South Australia's police union secretary received the Victorian letter with enthusiasm, stating his executive had been considering the question for some time.⁶ South Australia's police union supported affiliation, as did the newly formed Police Association of New South Wales, as a desirable long-term goal but in the short-term, suggested a number of annual conferences be held to pave the way.⁷ While there was general agreement that representatives of the various police unions 'get together',⁸ there was an obvious lack of consensus as to how the getting together should be accomplished.

The formation of the Police Association of New South Wales in late 1920 meant all mainland police employees, with the single exception of the Northern Territory, were then serviced by unions. The Police Department of New South Wales comprised one third of the entire police community in Australia, just as the Police Association of New South Wales constituted one third of the police industrial community (as it still does). It was therefore, not surprising that no concrete arrangements to hold an interstate meeting of union representatives occurred prior to the Police Association of New South Wales' creation, as any combination of police unions would have been distinctly inadequate in the absence of New South Wales participation. Thus, it was agreed to coincide a meeting of interstate police union representatives with the Police Association of New South Wales' second annual conference. That

conference commenced 27 February 1922 in Sydney. The various interstate delegates foregathered principally to prepare a constitution for a 'Federated Police Association'.⁹

The deeper reasons underlying the desire of police union officials to band together at that particular time are not clear. An important predisposing factor was undoubtedly the consciousness of the various officials of their personal isolation and vulnerability to official pressures, especially once the employers started getting together on a regular basis. Indeed, not long after the conference, both the president and secretary of the Police Association of South Australia were posted, allegedly as a harassment tactic in retaliation of their criticism of the Police Department of South Australia Commissioner's promotion of 'favourites'.¹⁰ Any organisation capable of providing political and industrial support to member bodies in times of such need must have been considered highly desirable. The sense of national identity which developed so noticeably during World War I quite possibly heightened awareness of national perspectives including perhaps, a desire for greater standardisation within the police service. Some delegates, such as Hugh Talty of Queensland and Joe Naylor of South Australia, would have personally favoured a national police force and a national police union on ideological grounds. It is even possible the creation of a Police Federation of England and Wales in 1919 following the Desborough Committee's report¹¹ may have directed employee thoughts to the possibility of countrywide umbrella organisation. Whatever permutation of these and other factors operated, a clear interest in banding together was evident by 1921, an interest to which the Sydney meeting gave expression.

On the conference's second day, Hugh Talty advised delegates his members were keen to see police unions throughout the country federate in such a way that each state continued to control its own affairs. Another concern expressed by Talty related to wage fixing. The possibility of a standard police wage being fixed at the level of the lowest paid police force rather than the highest paid had to be considered, he asserted.¹² Delegates eventually approved the formation of a Federated Council of Australian Police Associations and on the fourth day, the concurrent Police Association of New South Wales annual conference recommended the proposed body's draft constitution (see Annex L) be ratified by all branches.¹³ The draft constitution was to be taken back to each participating

association and deliberated upon. Unanimous ratification was required. That the proposed Council was intended to perform an industrial role is evidenced by the posited aim of taking employee grievances to state and federal arbitration courts. Quite how the proposed Federated Council was to achieve dual accreditation in the industrial forums of the various states as well as the Commonwealth was not made clear. Another clause in the constitution, and one which perhaps evidenced the proclaimed desire for standardisation was the promotion of a unified criminal law. The suggested location of the embryonic federation's first annual conference was, prophetically, Melbourne.¹⁴

Interstate delegates went home confident the draft constitution would soon be ratified,¹⁵ although it seems variation existed concerning their respective understandings of what a Federated Council meant in practical terms. However, the entire initiative foundered when the Police Association of New South Wales' members overwhelmingly declined to ratify the proposal.¹⁶ As recipients of the best police terms and conditions of service in the country, Police Association of New South Wales members had no wish to imperil their economic position. This same sentiment most probably motivated rejection by the various police commissioners of the wages standardisation proposal made a couple of years earlier by the Western Australian Police Commissioner.¹⁷ A statement in the Police Association of New South Wales' magazine to the effect that members' rejection of the proposal was for the best as state governments would have been unlikely to approve affiliation was no doubt designed to cover the executive's embarrassment.¹⁸ The secretary of the Police Association of New South Wales, Bert Fortescue, in particular had exerted himself greatly in getting the initiative under way.¹⁹ Given the New South Wales Government's concern with the One Big Union movement which was waxing strong at that time,²⁰ relief was no doubt expressed in both Macquarie and Phillip Streets when news of the rank and files' rejection of affiliation was learned. In fact, when opening the Police Association of New South Wales' annual conference in 1924, the Chief Secretary somewhat tardily congratulated members on their rejection of the proposal.²¹

Both South and Western Australian police employee representatives reported to their respective executives that the proposed federation had been well received by delegates.^{22,23} On learning

of the Police Association of New South Wales' rejection of the proposal, Sergeant Joe Naylon, Police Association of South Australia's President and delegate to the interstate conference, strongly argued his original position that at least a council should be formed – with federation to be considered at a later date.²⁴ His plea, alas, went unheeded! According to Naylon, ratification ballots in Victoria, South Australia and Western Australia were all favourable.²⁵ The attitude of Queensland's police employees to federation was apparently consistent with that of members of the Police Association of New South Wales.²⁶ A 1925 suggestion by the Police Association of Victoria, still determined to maintain the initiative in the matter, to reconvene was not well received by the Police Association of New South Wales²⁷ and was therefore not proceeded with. It was not until the 1940s, under the stresses of wartime administration, that the question of affiliation again arose.

THE SECOND INTERSTATE MEETING

From at least early 1942 onward, the federal government was firmly committed to post-war reconstruction. Post-war reconstruction was a blanket concept involving federal administrative measures designed to reduce economic and social dislocation resulting from the expected change to peacetime from a wartime economy. However, given the fact that some of the powers sought from the states by the federal government to permit the management of such social and industrial change were either not particularly relevant to the stated task,²⁸ for example air transport and railway gauges, or defied operationalisation, for example employment and unemployment, it seems not unreasonable to assume the reasons advanced by the federal government for the requested powers only partly reflected the government's intentions. The five year limit to be placed on the requested powers was to be subject to a clause that it would not be binding if somehow reversed in the interim.

One cannot help feeling that had the required powers been ceded by the states, they would never have been returned; that somehow the powers would have remained in Canberra. Ben Chifley, the wartime Labor Minister for post-war reconstruction, spent a lifetime dedicated to the creation of a socialist Australia²⁹ and both he and Dr Herbert Evatt, who as Attorney-General

assisted him in reconstruction affairs, were well aware of the limited ability of the Commonwealth to attain such an ideal while the states retained their constitutional powers. The situation was doubly complicated in wartime when political decisions were sometimes required to be made rapidly. As it was, important decisions were subject to all the 'delays, frictions, compromises and half measures inherent in [such a] system'.³⁰ In 1940, Evatt served briefly as honorary director of the post-war reconstruction research division of the ministry of labor and national service. In that position he had closely acquainted himself with the concept and was aware of its utility to the achievement of a unitary, socialist Australia. Interestingly, this view was in direct conflict with judgments previously made by him when on the High Court bench. At the same time, it is realised that working under great pressure in wartime, patriotism and ideology quite probably merged to the extent they became indistinguishable.

From mid-1942 on, the federal government worked hard at preparing its policies and strategies to persuade the states to surrender virtually all powers. A convention of state and federal parliamentary representatives was held in Canberra to discuss the handover. A special booklet, *Post-war Reconstruction: The Case for Greater Commonwealth Powers*, was prepared for distribution to delegates. The convention held 24 November to 2 December, approved the ceding by the states to the Commonwealth of powers to make laws in relation to post-war reconstruction for a period of up to five years following the war's end. The powers to be ceded fell under 14 heads, including employment and unemployment. These categories were of particular importance because police unionists considered they not only implied the consolidation of all state police departments into a national police force but also federal government control of all police unions.³¹ The convention's final resolution comprised the *Constitutional Powers Bill*, which was then put before each state's legislature for ratification. Only two states, New South Wales and Queensland, subsequently ratified the bill, which was then considered to have lapsed.

Undaunted at this rejection by state politicians, Evatt resorted to a constitutional referendum. The 14 individual referenda, four more than Moses brought down from Mount Sinai according to his critics, were almost identical with the clauses of the *Constitutional Powers Bill*. They were represented to the public as an all or

nothing package on 19 November 1944. This second attempt by the federal government to gain state power was also defeated, this time by the people. Two states only, South and Western Australia, favoured the referenda, that is the *Constitution Alteration (Post-War Reconstruction and Democratic Rights) Bill, 1944*. With the wisdom of hindsight, it now seems clear that had the various clauses been voted on separately the federal government would have obtained at least some of the powers sought.^{32,33} Even so, the federal government was not entirely unsuccessful in its search for power, subsequently instituting several measures it favoured, such as the *Sickness and Unemployment Benefit Bill* and pay as you earn taxation. Despite these two formal rejections concerning Commonwealth assumption of state powers, many police and public servants nevertheless considered a transfer inevitable. This view was understandably strongly evident between September 1943, following federal Labor's resounding general election victory and immediately prior to the November 1944 referenda. But even after the defeat of the *14 Powers Bill*, a strong expectation continued to exist.

Certainly, at all times the Police Association of New South Wales officials considered the probability of the Police Department, New South Wales and other police agencies being taken over as high. The only division of opinion evident related to timing. The President of the Police Association of New South Wales, J.V. Driscoll, as a member of the Federal and State Public and Emergency Services Council deputation to Canberra sometime early in 1944, had been informed by Herbert Evatt that police would be taken over by the federal government and unified. According to Driscoll, this information so worried Victoria's Police Association officials they felt compelled to call an interstate conference for March 1944.³⁴ The President of South Australia's Police Association had in fact, already canvassed other states on the question of federation³⁵ and his move may also have helped stimulate the Police Association of Victoria's invitation. At a second meeting with the Federal and State Public and Emergency Services Council representatives in mid-1944, which again included Driscoll, Evatt declared police would be among the last state government departments taken over.³⁶ In a follow up letter to the Federal and State Public and Emergency Services Council's President, Evatt repeated an assurance that no transferred officers would incur economic

loss.³⁷ Evatt's intention to taking over police, a service in which he had a special interest,³⁸ was notable for two reasons. First, Evatt had placed himself on public record in 1932 when on the High Court Bench, in stating that the police system was no lawful concern of the Commonwealth.³⁹ Second, the control of police agencies, other than as sources of employment, held no relevance to post-war reconstruction. It was though, highly pertinent to the consolidation of federal power *vis a vis* the states. No objections were registered by either Police Association of New South Wales officials or members at the prospect of a new employer, only a concern that the terms and conditions of service of members in better paid departments might reduce as a result.⁴⁰ It should be realised in this respect that public support for state governments at the time was low.⁴¹

It is impossible to state with precision the major determinants of the Police Federation's formation. The widely held view favouring standardisation, so evident in the early 1920s, was still strong among police union officials 20 years later.⁴² A federation was seen by some as permitting improved inter-union relations as opposed to the intermittent communications on matters of common concern then prevailing. The precipitating factor however, seems clearly to have been the fear that members of better paid departments would suffer economic loss in the event of a federal takeover of the police. That concern, or rather a form of it, had been evident in 1922 and even before. It was clearly felt by the various secretaries that a combination would be in a better position to bargain collectively with federal government representatives than individual unions. The calling by the Police Association of Victoria for a conference set processes in motion which then acquired their own volition. This impetus maintained itself despite the fact that by the time the conference was actually held the probability of the federal government assuming state powers and responsibilities was zero.

The economic implications of takeover were especially important to Police Association of New South Wales officials, as Police Department of New South Wales employees still enjoyed the best terms and conditions of service in the country. Members would thus have had most to lose if federal authorities, in the event of a takeover, applied a 'levelling down' approach to setting wages for transferred employees. It will be recalled the same fear of reduced

conditions was responsible for the Police Association of New South Wales' earlier rejection of the proposed Federal Council. However, during the intervening 20 years the sentiment favouring greater operational and industrial standardisation had strengthened, a fact which helped offset economic based fears of police centralisation.

In terms of events which concretely contributed to the Federation's creation, New South Wales' Police Association's general secretary was probably the first to start the ball rolling. Realising a common approach was necessary if all police unions and their members were to successfully survive their expected change of circumstance economically unscathed, Charlie Cosgrove wrote to all police associations and unions in November 1943. In his letter, Cosgrove outlined some of the problems involved, remarking that failure to federate would permit the federal government to pick off individual police unions one by one when determining conditions. This action was approved by the Federal and State Public and Emergency Services Council, with which the Police Association of New South Wales was affiliated. The Federal and State Public and Emergency Services Council was itself concerned with the interests of all its affiliated members, comprising some 20 government and semi government employee bodies. In fact later in 1943, a Federal and State Public and Emergency Services Council deputation, including Police Association of New South Wales president Driscoll, waited on Evatt. The deputation requested either a promise from the Prime Minister that no member would suffer any reduction in conditions of service as a result of transfer from state to federal employment, or insertion in the forthcoming referendum of a clause guaranteeing members' interest. Cosgrove concluded his letter by exhorting all police unions to insist on a policy of 'levelling up' and suggesting a conference of police union representatives.⁴³

The Police Association of New South Wales' general secretary's letter found particularly fertile soil in Victoria. The Police Association of Victoria's secretary personally discussed its contents with some of his interstate colleagues. Subsequently, in February 1944 he contacted all other police unions, suggesting a conference be held in Melbourne over the period 20-25 March to discuss *inter alia*, issues relating to the expected federal takeover of the police service. The motivation underlying this invitation apparently

stemmed from Cosgrove's letter.⁴⁴ At the same time, the Police Association of Victoria wrote to Chief Commissioner Duncan inviting his attendance at the conference which, it was claimed, was intended to discuss matters pertaining to the federal takeover of police.⁴⁵ From the confident tone of the invitation, which also incorporated a request for permission for Victoria's Police Association representatives to attend, it is clear no official objection was expected. The Chief Commissioner of Police however, viewed the proposed attendance of Police Association of Victoria officials at such a conference as a potential breach of s.81 *Police Regulation Act, 1928* (which forbade such association), which it clearly was. He advised the Chief Secretary accordingly.⁴⁶

Upon receipt of the Chief Commissioner's letter, the Chief Secretary cautiously submitted the matter to cabinet for consideration. Cabinet deliberations take time and when by the first week of March, no decision had been forthcoming, Police Association of Victoria officials became anxious. But on 9 March 1944, the Chief Commissioner formally advised the Police Association of Victoria that cabinet disapproved of the proposed conference on the grounds that no good purpose would be served.⁴⁷ The government's objections apparently revolved around two considerations. First, the possibility that a breach of the police regulating statute would occur. About a week after issuing its invitation to Chief Commissioner Duncan, the Police Association of Victoria wrote again assuring him no breach of the law was intended as the proposed conference involved a meeting of organisations rather than individuals; a fine distinction but one which no doubt earned the respect of semanticists. Police Association of Victoria officials had obviously received some intimation of official reservation on the matter. Second, the government did not favour its employees discussing sensitive policy matters. This objection is revealed in Police Association of Victoria correspondence⁴⁸ despatched as a follow-up to telephone calls made by embarrassed Police Association of Victoria officials advising other police unions of the need to defer the conference.

Understandably, the Police Association of Victoria's advice was not well received. The secretary of Queensland's Police Union of Employees in particular, was highly critical. He queried the intrusion of Victorian authorities into affairs involving persons from other states. The Police Union of Employees' secretary

pointed out to the Police Association of New South Wales' secretary that he thought the reasons given for the delay were unconvincing and that, as the Police Association of Victoria was spineless enough to accept such a decision, the conference might better be held in Sydney.⁴⁹ His advice was shrewdly ignored. The only possibility of achieving a relaxation of the Victorian government's attitude to its police union was to hold an interstate conference in Melbourne. Considerable embarrassment would attach to any government which forbade its employees to attend such a meeting in its own capital city.

The Police Association of Victoria requested the Chief Commissioner to resubmit its request to the Chief Secretary. A revised agenda was submitted which omitted reference to federal interests. In its written communication to the Chief Commissioner, the Police Association of Victoria expressed its embarrassment resulting from the government's earlier decision, suggesting a deputation meet with the Chief Secretary to discuss the matter. On 21 April 1944, the Chief Secretary did in fact receive a Police Association of Victoria deputation, although the outcome was inconclusive.⁵⁰

In December 1944, Victoria's Police Association's executive again wrote to the Chief Commissioner requesting the Chief Secretary's approval for Victoria's Police Association members to attend an interstate conference.⁵¹ The Chief Commissioner duly wrote to the Chief Secretary, suggesting nothing was to be gained by the Police Association of Victoria attending such a conference.⁵² The Minister replied to the effect his hands were tied in the light of [s.81(2)] *Police Regulation Act, 1928*, as some of the interstate police unions were affiliated with 'outside industrial bodies'. Late in October 1945, the issue was raised yet again, this time with the difference that another police union, the Police Association of New South Wales, would convene a conference of state and territory police unions in Melbourne. The change of convenor was a move of considerable subtlety.

It was generally felt this approach took pressure off the Police Association of Victoria while at the same time forcing the Victorian government to permit Victoria's Police Association officials to associate with other police industrial representatives.⁵³ The opening date was set for 6 November but as the Melbourne Cup was run that day, the opening date was set back to 7 November. Some public debate took place in Victoria concerning Victoria's

Police Association's right to attend the conference and on 1 November 1945, the Premier was reported as saying he would remove statutory prohibitions on Victoria's Police Association associating with police unions.⁵⁴ By 5 November, the Acting Premier had informed the chief secretary, after his meeting with a mixed deputation of Police Association of Victoria and interstate police union officials, that Victoria's Police Association representatives could attend the Melbourne conference.^{55, 56, 57, 58} This news was conveyed to the Police Association of Victoria by the chief commissioner, together with a reprimand for communicating with the Premier direct, rather than through formal channels.⁵⁹ In reply, Victoria's Police Association officials pointed out that the Premier had communicated with them rather than the reverse.⁶⁰ Chief Commissioner Duncan then, although rather more politely, rebuked the Chief Secretary for the breach of protocol involved.⁶¹

After an interval of some 23 years, the second interstate conference of police union representatives opened at Oddfellows Hall, Latrobe Street, Melbourne, on 7 November. The 1922 meeting had, it will be recollected, stipulated Melbourne as the next meeting's venue! Hugh Talty, General Secretary of Queensland's Police Union of Employees, was the only person to attend both meetings. Leader of the state parliamentary opposition, John Cain, gave the keynote address. Taking the opportunity (in the course of an election campaign), he roundly criticised the 'dictatorial' controls placed on Victorian police employees by the government.⁶² Melbourne City Council provided a civic reception for the conferees. The hiatus preceding the conference concerning Victoria's Police Association attendance assured a good Victorian press coverage of events, although interstate coverage was minimal.

Delegates covered a wide range of topics during the four day conference but probably, the two most significant agenda items were numbers one and two. First, members debated whether to form a federation. It was mentioned by Hugh Talty that the 1922 conference failed in part because the delegates' decision to federate had to be ratified by members. He recommended delegates declare the creation of a federation and present their respective union executives with a *fait accompli*.⁶³ It then transpired some delegates had no mandate to commit their parent unions to such a decision. But, a majority of delegates did have a mandate and it was decided that these members would commit themselves to the creation of

a federation. Delegates possessing a mandate could then take the accomplished decision back to their memberships who would then have little option but to ratify it. The various union secretaries formed themselves into a committee to draft a constitution. It was felt all delegates should return home with a copy of the constitution for ratification as that decision did not affect the fundamental existence of the federation.⁶⁴ The rules devised by the constitution committee were later deemed inadequate and the question of their ratification thus became irrelevant. The Police Association of New South Wales had a fresh set of rules drawn up by an industrial advocate. Those rules were designed in the expectation of federal registration and were, in 1947, also rejected.

Second, the question of a national police force was debated. Delegates' sentiments generally favoured the idea, although there was some opposition. Eventually, a compromise was reached in which it was agreed the federal government should be approached to conduct a ballot on the subject among police officers across the country.^{65,66,67,68,69} The decision was odd in that it quite obviously could not be actioned. Such lack of awareness concerning a simple matter of constitutional law is difficult to explain. Certainly, the motion was a clear expression by delegates of dissatisfaction with their respective state employers. It was less than four years since the Police Association of New South Wales executive committee had been banished to the country⁷⁰ and the struggle to gain the Police Association of Victoria attendance at the conference was fresh in their minds. One former Australian Federation of Police Associations and Unions official, himself an advocate of a national police force, feels delegates were nevertheless, unreflective of their respective memberships in this respect. He publicly advocated a national police force some years later⁷¹ and was deluged with letters from police officers throughout the country, all of which emphasised state loyalties.⁷²

Other major issues debated by delegates included, as in 1922, a single *Crimes Act*,⁷³ standardised uniforms,⁷⁴ appeal tribunals, post-war recruiting,⁷⁵ salaries and cost of living.⁷⁶ Some of these issues have either never been actioned, were incapable of operationalisation or at least, took many years to eventuate. It was almost as if this meeting performed a cathartic role rather than one in which well considered policy proposals were shrewdly debated. Even so, delegates were sufficiently alert to ensure the

creation of the Australian Federation of Police Associations and Unions. Its principal objectives were defined by the constitutional committee as:

- to promote the interests of the police services in the Commonwealth by every means consistent with loyalty to the governments of the states and Commonwealth and the King;
- to afford opportunities for full discussion of any subject concerning the welfare of members;
- to secure redress for any grievances; and
- to advise and assist affiliated bodies in preparing cases before any inquiry, arbitration, industrial or conciliation tribunal and secure access to those tribunals.⁷⁷

These objectives in no way indicate the functions of a federation as distinct from individual unions with the exception, perhaps, of implications for a secretariat to provide advice and assistance for member bodies. Such objectives demonstrate the lack of intellectual preparation undertaken in respect of the conference. Sergeant J.V. Driscoll, president of the Police Association of New South Wales, was elected president of the Australian Federation of Police Associations and Unions and Charlie Cosgrove, general secretary of the Police Association of New South Wales, was voted secretary and treasurer.

Victorian delegates expressed some concern at their union's capacity to join the Australian Federation of Police Associations and Unions because s.81(2) *Police Regulation Act, 1928* forbade the Police Association of Victoria to corporately associate 'with any body or persons outside the force'. Despite promises to the contrary, the provision had still not been repealed by the government. However, the following year the Victorian government resolved their fears by amending the regulating statute to permit Victoria's Police Association to affiliate with any federation of police associations.⁷⁸

The first biennial conference of the Police Federation was held in Sydney during November 1947 although the Police Federation had no formal existence at the commencement of the conference due to lack of constitution. After considerable debate, rules for the Federation were finally agreed upon. That approval formally brought the Australian Federation of Police Associations and Unions into existence. The final version was based on the

constitution of the Teachers' Federation, a body closely paralleling the Australian Federation of Police Associations and Unions' legal and structural position.⁷⁹

DEVELOPMENT

The first Federation biennial conference held at Sydney during November 1947, saw not only its formal ratification but after some redrafting, adoption of its rules. The Federation's rules are private to the organisation and not subject to approval by registering authorities. A good deal of industrial ground was also covered, major policy decisions being:

- to regularly discuss ways and means of improving police salaries;
- to strive for a five day, 40 hour week;
- to seek full access for all affiliated police employee organisations with appropriate industrial tribunals in the various states/territories;
- to consider registration of the Federation as a federal industrial body;
- to encourage state branches to seek affiliation with their respective Labor Councils; and
- to seek full civil and political rights for all police.⁸⁰

Goals such as the pursuit of civil and political rights, labour council affiliation and a 40 hour week were essentially irrelevant to a federation being entirely matters of state concern. Although the new goals represented an advance on their predecessors, they still exhibited an inability to conceptualise a federal role for the organisation. Looking back, one cannot help thinking that had a management consultant been hired a far more cohesive and logical framework would have resulted.

There is some reason to believe a view existed among delegates to the effect that a single federated union, with state/territory branches, was preferable to the prevailing system, with each state and territory police union independently fighting its own industrial battles. Even if a single police force was not possible, it was thought at least a single police union was. This sentiment was apparently reflected in the decision to seek federal registration. Opinion apparently, was divided among the Federation's executive members as to whether an application for federal registration would

be successful. To cover themselves, delegates agreed to recommend full access of individual unions to their respective state tribunals as well, so as to enable application for federal registration should it be desired for whatever reason. Thus, in the event of federal registration being unsuccessful, resort could be had to industrial tribunals within the states.⁸¹ At a time when police conditions generally were felt to be lower than the community average and after spending years battling penurious governments for both money and recognition as well as reactionary police chiefs, in addition to coping with sometimes unsatisfactory state/industrial structures, a new unitary employer and unitary union must have seemed an attractive proposition to many police union executive members at that time.

The doubt experienced by some delegates concerning Federation eligibility for federal registration was well founded. As early as 1929, the High Court had ruled that state school teachers (an occupational group sometimes bracketed with police) were not employed in an industry for purposes of s.132 *Conciliation and Arbitration Act, 1904*.⁸² In 1932, as previously noted, Evatt J. remarked on the lack of Commonwealth powers or responsibility for police generally.⁸³ More particularly, and at a time when the defence responsibilities of the Commonwealth were in the ascendant, both Latham C.J. and Williams J., in the state public servants case, clearly ruled out Commonwealth industrial involvement for state public servants not directly connected with defence work. Sir John Latham specifically and significantly referred to police as an occupation not classifiable as an industry. Williams J. observed, 'questions such as the days and hours of work and of the remuneration of public servants of a state engaged upon duties incidental to the execution of such functions arise solely between the state and its public servants. They are', he continued, 'beyond the ambit of any power conferred upon the Commonwealth parliament by the constitution'.⁸⁴ To ensure no avenue remained unexplored, the federation sought legal opinion. The advice received was consistent with the High Court opinions cited and was later confirmed in the professional engineers case of 1959, when Windeyer J. stated police employment cannot lead to industrial dispute.^{85, 86} Thus, expectations of a national police union lacked essential legal support.⁸⁷

Individual state/territory police associations and unions pushed

ahead, where relevant, with their own problems of tribunal access. By 1951, only the Police Associations of New South Wales and Tasmania lacked full access to their respective industrial tribunals. In the agenda for that year's Federation conference, the Secretary-Treasurer, Frank Laut of the Police Association of New South Wales, reported progress being made in the pursuit of new awards and that the exchange of information and ideas facilitated by the Federation had been helpful in this and other respects.⁸⁸ It is interesting to reflect at this point that during the period 1946-47, four police unions, that is the Police Associations of New South Wales, Northern Territory, Australian Capital Territory and Victoria gained access – either in whole or in part – to industrial tribunals and gained awards. A host of factors operated in the industrial arena at that time and no single variable can be said to have been critical. But the mere existence of a combined police union body hopeful of a federal award may perhaps have encouraged the process of state registration.

In some issues, such as the 40 hour/five day working week, the Federation served the (admittedly minor) purpose of focussing broad attention on a particular issue and then encouraging its prosecution within the states and territories. Police had long been at a substantial disadvantage *vis a vis* many other workers concerning conditions of employment and hours of work was a topic of particular interest. At the first biennial conference the Federation principle of a five day and 40 hour week was proclaimed and by the next conference, members of all eight affiliates averaged 40 hours work per week. In those states where an extra day was worked, that is Queensland and Western Australia, overtime rates were paid. South Australian police worked an 80 hour fortnight spread over 11 shifts. At various times and in various ways, the Federation claimed to have assisted six of its eight affiliates in their efforts to achieve a 40 hour working week.⁸⁹ The issue was one of broad industrial concern at the time after having been placed in abeyance by the union movement for the duration of World War II. There was a strong resolve within the union movement to achieve a universal 40 hour week as soon after war's end as possible.⁹⁰ The road to success in this respect was made just that little bit smoother as a result of the cooperation and data collection and dissemination encouraged and provided by the Federation.

Even in relation to issues specific to a single state, the Federation could provide support when required. For example, for several years the Federation placed its collective weight, in this instance essentially the potential for substantial adverse publicity, behind Victoria's Police Association's objection to the formation within the Police Department in Victoria, of an auxiliary reserve. A Bill containing such a provision was presented to parliament in 1948 but was discarded partly as a result of Federation representations. A similar Bill was again introduced two years later, in 1950. The Police Association of Victoria, again with Federation support, resisted the measure which was eventually dropped by the government. A retired police reserve was introduced some six years later but that was a different matter and did not attract Victoria's Police Association's objection.

Similarly, at the time of the second biennial Federation conference in 1949, it was apparent the Police Association of Tasmania was not performing well in terms of representing the industrial interests of its members. At that conference, Tasmanian representatives were able to ask numerous questions of other delegates, followed up by voluminous correspondence with various affiliates and the Federation itself. Resulting from the information and advice gleaned from all these sources, Tasmania's Police Association restructured and fresh industrial initiatives were undertaken. By 1951 Tasmania's police employees were the second highest paid in the Commonwealth.⁹¹

The Federation affiliated with the Australian Council of Trade Unions in January 1954.⁹² Individual associations and unions have affiliated with both the Australian Council of Trade Unions and state labour councils on an irregular basis, affiliating or severing ties at the discretion of their respective executives. The Police Associations of New South Wales and South Australia have over the years maintained closer relationships with their respective labour councils than other Federation affiliates. In 1974, the then secretary of South Australia's Police Association, Ralph Tremethick, was elected president of the South Australian Trades and Labor Council. This is the highest union movement office occupied by a Police Federation official to date. Other affiliations are sometimes maintained, for example the Police Association of New South Wales and Queensland's Police Union of Employees both maintain membership in right of centre union groupings. Police

employee involvement in union matters generally has not been great. Interested executive members and paid officials regularly participate in union affairs generally in some states, actively operating to break down the traditional hostility which has existed between police and organised labour since the 1890s. On occasions, such involvement has permitted police unionists to protect both departmental and members' interests through industrial channels. A Police Federation presence is maintained at each Australian Council of Trade Unions annual conference.

The early Federation policy of full civil and political rights for police was pursued by individual associations and unions. No Federation encouragement was necessary in this regard as employee representatives were almost as devoted to its achievement as they were to increased pay for members. Constraints on police standing for local government or parliamentary office, even belonging to political parties, were inconsistent with the post-war emphasis on relaxation of the old and often arbitrary and undemocratic impositions of earlier decades. This being the case, the fight for full civil rights for police was in the main not hard to sustain. At least one constraint remains today however, the prohibition of Victoria police personnel joining any industrial organisation or the Police Association of Victoria joining any political or industrial organisation with the single exception of a Police Federation.⁹³

Once the initial euphoria evaporated and early demands were either satisfied or written off, reaction set in. There arose a feeling among some officials that the Federation was not operating as effectively as it might, that is it was insufficiently sensitive to the individual needs of affiliates. A Federation executive meeting was held to discuss the issue at Melbourne in 1964. A suggestion that the Federation either disband or radically restructure was discussed and eventually rejected. It was decided to recommend to the next full meeting of the Federation that its existence be continued.⁹⁴ This advice was accepted by the 1965 biennial conference.

This decline in the Federation's fortunes indicated a suitable corporate role still had not been developed. The Federation-sponsored conferences, at which police union officials could periodically discuss common problems and in particular, enjoy the hospitality of host states, were not entirely lacking in utility. But, little was done that was special to the Federation *qua* Federation. Over the years, a number of issues have become established

Federation concerns. Included in the list at different times are such diverse matters as photographs on drivers' licences, firearms legislation, workers' and criminal injuries compensation, universal patrol vehicles, optional retirement, employment of Special Constables and taxation concessions. Probably, the workers' compensation issue was the only one in which a specifically Federation viewpoint was particularly significant, albeit unsuccessful. In more recent times, following the increased intrusion of the federal government into state affairs, several issues have arisen in which the Federation as such has had a significant role to play, thus providing slightly more purpose to its existence.

Membership of the Federation has not remained constant over the years. The Police Association of Victoria left the fold in 1967, reportedly because its executive members felt they were denied a fair share of Federation executive offices. The price extracted for its eventual return to the fold, it is said, was acceptance of the Commonwealth Police Officers' Association.⁹⁵ This move was to have unforeseen consequences for the Federation and the police service generally in Australia a decade later. The body represented members of the Commonwealth Police Force (formed 1960), which organisation took its title from the *Commonwealth Police Act, 1957*. Despite its title, the Commonwealth body had no police role let alone constitutional justification, and the police community generally did not accept it. When this body made overtures to join the Federation in 1962 it was rebuffed. In 1970, it again indicated its desire to join the Federation. This time, the way was prepared rather better. At the Federation's executive meeting in Hobart, 8 April 1970, the body was invited to attend the next executive meeting to be held 28 October. Its representatives duly attended and made formal application to join. The application was received and considered by affiliates. In April 1971, the body was admitted to the Federation. The Police Association of Victoria then rejoined. At about the time of its withdrawal from the Federation, the Police Association of Victoria built a four level office block at the rear of the then police headquarters in Melbourne. Commonwealth Police rented space in that building to the financial benefit of Victoria's Police Association. Commissioned Police Officers' Association representatives are said to have emphasised that relationship in canvassing Victoria's Police Association officials to support their entry to the Federation.

Another body to have joined the Federation subsequent to its inauguration, although in this case with impeccable claims to police status, is the Commissioned Police Officers' Association of New South Wales. At the time of its acceptance in May 1975, the Commissioned Police Officers' Association seemed close to amalgamating with the Police Association of New South Wales. However, more recently, the option appears to have lost some of its attraction and amalgamation does not now appear likely although the pendulum is always capable of reversing its swing. In 1978, the Police Association of Christmas Island was granted associate membership.

Also in 1978, the Australian Federation of Police Associations and Unions changed its title to Police Federation of Australia. A further name change occurred with the entry of the Police Association of New Zealand to Federation ranks in 1979. To reflect its Australasian geographical base, the title was again altered, this time to the Police Federation of Australia and New Zealand.

During the period 1977-78, thought was given to affiliating with the International Conference of Police Associations. International Conference of Police Associations was a loose combination of American and Canadian police unions, headquartered in Washington, D.C. However, the organisation was unstable and collapsed in 1979.⁹⁶ With its collapse went the immediate possibility of a linkage between Australasian and North American police employee organisations. Due to the fragmented nature of both the police occupation and police industrial relations, broad coalitions of the type envisaged would have served no significant industrial purpose. The same lack of essential role that has plagued the Federation would merely have been magnified if taken to a further level of abstraction. The International Conference of Police Associations (now known as International Union of Police Associations) has since reformed in a somewhat different format, including affiliation with American Federation of Labor—Confederation of Industrial Organisations but there is no current thought in Australia of pursuing other than purely regional bonds. Indeed disputes within the Federation in very recent times have come close to destroying the organisation.

FEDERATION'S ROLE

Over the years the Federation's various activities are reducible to a number of clearly identifiable functions:

- supporting individual affiliates;
- conducting forums for association and union representatives, in which the exchange of information and ideas is encouraged and at which police industrial specialists are able to periodically 'recharge their batteries' in company with their interstate peers;
- lobbying on behalf of police causes; and
- mediating disputes between affiliates.

The provision to individual affiliates of data, industrial or operational, has been of benefit in the areas of award variation claims and current awareness maintenance. The tabulation of award-related data is of assistance to industrial officers within the various unions in that: (1) they provide some idea of the police industrial 'tariff'; and (2) union officials are provided some idea of their relative industrial position. Effective industrial operation is partly dependent on union staffs being aware of current trends in all jurisdictions. These benefits of themselves fail to justify the existence of a federation but the service supplied is convenient and combative of duplication.

The first example of direct, physical, support to affiliates by the (embryo) Federation occurred in Melbourne during 1945. Concerted and concerned action by police unions in combination brought sufficient pressure to bear on the Victorian government to slightly relax the statutory constraints placed on the Police Association of Victoria's association with other bodies. Another and rather more recent case in point was the fingerprint crisis of 1975, when it seemed the Australian Capital Territory police fingerprint collection was to be taken over by Commonwealth Police. In addition to mobilising local opposition to such a move, the Police Association of the Australian Capital Territory called for Federation assistance. The Federation's secretary, Ralph Tremethick, flew to Canberra from Adelaide to discuss the matter with the federal Attorney-General.

Just prior to their meeting, Tremethick was informed there would be no transfer of the collection.⁹⁷ It is impossible to know precisely if Ministerial apprehension of alienating police opinion as represented by the Federation played any part in the reversal of the government's decision or whether the Police Association of the Australian Capital Territory's locally organised opposition combined with the illogicality of the government's initial decision prevailed on their own merits. Further Federation support to the Police Association of the Australian Capital Territory was forthcoming later that same year when the Federation's executive members attended a special general meeting of the Police Association of the Australian Capital Territory at the Canberra Workers' Club, soundly denouncing the federal government's decision to have the Commonwealth Police absorb the Police Force of the Australian Capital Territory.

The quality of support provided by the Federation at the Police Association of the Australian Capital Territory protest meeting was very different from that provided by six individual state police unions. The Federation on that occasion provided a unity of purpose and presentation that genuinely utilised the various secretaries as Federation officials. It was a rare occasion and one that, due to the emotionalism pervading the event, will not be quickly forgotten by those who attended. The change of federal government shortly thereafter prevented a natural conclusion to the issue and it can now never be known whether the Federation backed campaign of opposition to the loss of corporate identity of the Police Force of the Australian Capital Territory would have been successful. The Federation's subsequent reversal of policy, when the issue was raised again by the new government (which when in opposition, had promised it would not do so), destroyed the image of occupational leadership the Federation had created only a little while before. More than that, it calls into question the collective capacity of Federation officials to provide occupational leadership in any sustained sense. Even so, the potential for a genuine corporate role for the Federation was clearly demonstrated.

The lobbying and publicist role of the Federation is divisible into two major parts. First, the pursuit of strictly individual union interests, for example photographs on drivers' licences. These sorts of concerns dominate Federation deliberations and are symptom-

atic of the failure of members to fully explore and develop a uniquely Federation philosophy. Second, the pursuit of interests which are either not soluble within state boundaries or which are genuinely collective problems. One suspects for example, the impact on Treasury officials of claims for taxation concessions in respect of police officers received from the Federation would have greater impact than multiple claims from individual police unions. Larger numbers of persons are involved and issues so raised accordingly achieve greater credibility. A similar argument applies to representations made to federal politicians and officials.

By 1979, the Commonwealth Police Force had absorbed the Police Force of the Australian Capital Territory, its name being changed to the Australian Federal Police. During 1979-80, the Police Association of the Australian Capital Territory (by then rechristened Federal Police Association) and the Commonwealth Police Officers' Association, were in dispute. Both organisations retained their members, although there was a leakage of the latter to the former. The legislation enabling the takeover surprisingly made provision for both unions to operate within the one highly ambiguous organisation. It is hardly surprising they came quickly into conflict. In a bid to resolve the differences existing between the two affiliated organisations, the Federation nominated its secretary and president to mediate a merger between the two.⁹⁸ So fundamental is the dispute, mediation proved fruitless. This situation, that is dispute within Federation ranks, stems directly from the 1971 decision to admit albeit under pressure, a (by definition) non police union, that is the Commonwealth Police Officers' Association, to the Federation. The Federation thus became a victim of its own inadequacy. Subsequently, the president of the Queensland Police Union of Employees, has recommended that the Commonwealth Police Officers' Association be removed from the Federation and this factor contributes to the presently confused and divided state of the body.

In sum, it can be said the Federation has generally fared poorly in terms of both role development and fulfilment. A major defect is identified in its inability to clearly establish a federal role in respect of a state based service. Its approach to affairs has generally been low key and informally supportive of state interests. Generally, it has been *status quo* oriented although not without its successes when it has asserted itself. Most of its activities are

reflective of individual union concerns. activities which could just have easily been performed by an annual conference of police unions. This failing is evident from the Federation's earliest meetings. It is apparent however, that there are certain areas of operation which comprise the nucleus of a supra-union body, such as matters in which to the federal government expresses influence, for example income tax. Considerably greater thought and dynamism than have been evident to date will be necessary to enable the development of an independently functional Federation. In fact, to both properly define and implement its role, a fulltime secretariat is essential. To do that, a substantial degree of statesmanship is necessary as well as commitment to the Federation's success. Neither quality can be counted on in sufficient quantity at the present time.

Interest in the Federation's development is not high among police employees at the present time for a number of reasons. Some police union activists see it as not only largely inactive but supportive of the *status quo*. For ideological or other reasons they favour a national police force and do not see the Federation as being useful to that end. Another reason for dissatisfaction with the Federation, according to some police union activists, is that most of its executive members are civilians, several having no police experience. They resent the inappropriateness of the fact that an organisation which should be representative of the police occupation is dominated by persons who are mostly not serving police officers. Dissatisfaction with the Federation and/or an inability to properly appreciate its potential have led some members to favour other channels of activity to further police employee ends.

The major alternative channel currently favoured is the Police Research Foundation. It is suggested by its proponents that such a body has the capacity to conduct research suitable for industrial purposes, as well as *inter alia*, contribute to police professionalism.⁹⁹ The fact that another, and extremely expensive, organisation is considered by some police unionists as a worthwhile alternative — despite the fact the Federation can, given the necessary motivation, perform all the Police Research Foundation's proposed roles as well as provide a basis for occupational leadership — constitutes a severe criticism of the Federation's executive

officers. The creation of yet another employee organisation cannot fail to ensure the inability of the Federation to achieve its potential.

And yet, given that the Federation has largely failed to date to perform adequately as a vehicle for police occupational leadership, it is naive to assume another and competing organisation possessing no sound rationale and no moral responsibility for police occupational development and representation will be successful. By any objective measure, the creation of the Police Research Foundation is contrary not only to the long-term interests of the police occupation itself but also to the interests of police employees at the aggregate level. Within the police labour movement there is room for one supra-union body only. The existence of two such bodies ensures the failure of both.

Given that the Federation possesses the charter to do all the Foundation aims to do, the conclusion is both simple and logical. In the inevitable and never ending framework of employer-employee tensions, perspicacious administrators will be quick to perceive the advantages inhering in this loss of collective direction by employees' representatives. Indeed, largely in reaction to the proposed creation of an additional renewed body, the Police Association of New South Wales terminated its membership in the Police Federation with effect from 30 June 1982. As the resignation of at least one other Association can be expected should the Commonwealth Police Officers' Association (under whatever name) remain within Federation ranks, the future of the body is somewhat cloudy.

FEDERATION OPTIONS

The most important role the Federation can play and indeed, one which can only be played by the Federation, is that of occupational representation and leadership. To perform this role effectively not only has the basic purpose of the body to be rethought but a permanent secretariat complete with Executive Director (preferably a seconded career police officer) must be established. Such a body could effectively undertake routine lobbying at the federal level, attend to all appropriate research references either within its own resources or by contracting out to relevant individuals or agencies. No single source has the capacity to perform all kinds of research. There is an adequate supply of police officers, scattered among the various states, capable of performing compet-

ently as Executive Director. A possible alternative to a serving police officer would be a retired police officer, being one who perhaps has taken advantage of the early retirement provisions now becoming common in the police service.

Before any such reforms are implemented however, a thorough review of Federation functions should be undertaken. Ideally, a consultant should be retained to assist in the process. Sound operating guidelines need to be created so as to prevent a recurrence of the embarrassing change of Federation policy concerning the fate of the Police Force of the Australian Capital Territory. Essentially, such guidelines should encourage adherence to defined principles and reduce the margin for pragmatism.

Above all, the Federation needs to resolve the embarrassment created by the presence of Commonwealth protective security and investigative personnel within its ranks, that is the non Australian Capital Territory component of the Australian Federal Police. This problem more than any other, operates to seriously impede both Federation and occupational development. The problem arose in the first place as the result of a collective lack of vision and remains due to a continued lack of that same quality. And yet, there is a great deal of talent within the ranks of the Federation. It is not beyond the bounds of possibility that a reform movement will emerge and define what is needed to turn it into a dynamic and effective body. Clear thinking should determine whether a sufficient federal role exists. If not, the Federation should be abolished. If it is decided there should be a reformed Federation, three options exist. First, the option exists of confining the Federation to police unions. In the event of such a view prevailing, the Commonwealth Police Officers' Association must be excluded. The Federal Police Association could in such an event remain a member — exclusive of its Commonwealth Police members. Second, a decision is possible in which it might be decided to create a federation of law enforcement (rather than police) personnel, rather in the American style. In the event of such an option being decided upon, there would be no objection to the Commonwealth Police Officers' Association becoming a member.

Of course, the Federation's title should in all honesty be altered in such an event, for example Law Enforcement Federation of Australian and New Zealand. The Federation's rules would need to be altered to permit the membership of other employee bodies

possessing claims at least as valid as Commonwealth Police Officers' Association to law enforcement status, for example railway detectives, postal investigators, customs officers, and corporate affairs commission investigators. The third option involves a decision to consider the Commonwealth Police Officers' Association a *bona fide* police employee organisation. In which case, rather than having competing unions from a single host organisation, it would seem preferable that the two unions concerned either combine or liquidate. In the event of liquidation, a new single union could be formed. Such a course of action would of course, require a new and less rigorous, definition of the police occupation — a fact which would preclude all possibility of police professionalisation thereby precipitating the growth of specialty associations within the police service. The way would also be left open for the membership of other essentially non police organisations which nevertheless possess the word 'police' in their title, for example Naval Police.

CONCLUSION

The broad notion of a central body representative of all police unions has long had an attraction for police union activists. However, those associated with the operation of the Police Federation since its inception have been unable to clearly define a satisfactory supra jurisdictional role for the body. Accordingly, it has mostly acted in support of purely state concerns.

Only through the effluxion of time and changing events have some glimmerings of a specifically Federation role arisen. Lack of systematic thought concerning the Federation and its operation has resulted in these developments not being clearly perceived. Thus, ever since the early euphoria immediately succeeding its formation evaporated, the organisation has languished — at one stage nearly faltering. This same lack of perception has also led not only to the admission of a union the members of which are not (by definition) police officers but also to at least one occasion of a highly visible and embarrassing *volte face* on the part of the Federation's executive committee. This lack of consistency and perception has contributed to the Federation's present low-key state including the resignation of its largest competent Association.

The major but hitherto unrealised potential for occupational

leadership and (in the future) professional representation are sufficient to justify the Federation's continuance in an exclusively traditional police representative role. This reasoning suggests the existence of competing organisations is not in the best interests of the police service.

The fate of the Federation is closely tied to the fate of the police occupation for the foreseeable future. Police employees need to consider what they are and what they want their successors to be. If they are desirous of sound occupational development accompanied by rigorous standards of policing and police workers possessing high status, then all non police must be excluded from their ranks. If occupational development is, on the other hand, not preferred then less rigorous law enforcement type alternatives are possible. Police employees generally are not well equipped to make such decisions at the present time. Thus, immediate decisions, directly or indirectly, will be made on their behalf by the various individual union managements and Federation officials. In making decisions relevant to these matters self-interest and interpersonal rivalries, both of which are evident, must be eschewed. Poorly reasoned decisions of the sort now being made will have adverse impacts on the future of the police occupation for many years to come and are ill-designed for the long-term protection of police employees and their occupation to say nothing of the publics they serve.

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- 89 *Ibid.*
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- 94 Police Federation, Executive Minutes, 1970, 1971.
- 95 Personal communication ex Bob Page, 8 August 1980.
- 96 Bruce Swanton. *Police Institutions and Issues*. Canberra: Australian Institute of Criminology, 1979, ch. 5.
- 97 *Police Journal*. (Australian Capital Territory), vol. 2, no. 7, May 1975, p. 5.
- 98 *Australian Federal Police Journal*, vol. 1, no. 10, July 1980, pp. 25, 27, 29, 31.
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Epilogue

A Final Look at Police Employee Protection

Within police agencies, administrators and managements generally possess an accepted responsibility for the job-related wellbeing of employees, although higher priority is necessarily accorded the operational function overall. Largely as a result of organisational priorities and the relatively modest level of administrative competence attained in the police service generally, especially in the area of personnel administration, police employees across the years have been less than satisfied with their conditions. Accordingly, in all states and territories they have felt the need to combine in order to improve their job-related lot.

At the present time police organisations and the police occupation overlap totally. That overlap is the reason police workers have largely failed to consider their occupational status. The degree of organisational and occupational overlap in respect of occupations such as police, is dependent upon the level of occupational development. The more developed the occupation, the less overlap there is. The present high level of overlap clearly indicates the police occupation's low level of development.

Union managements are elected either by employees or employee representatives and thus have the moral right, indeed duty, to protect the interests of their members. As the work-related wellbeing of police workers is influenced by both occupation and organisation, the jurisdiction of unions morally includes both domains. Administrators' mandates are, on the other hand, restricted to their particular agencies despite the fact they inevitably and strongly influence the occupation.

Although both unions and administrators possess considerable awareness of organisational and industrial aspects of employee protection, their comprehension of occupational considerations is currently limited at best. Because the importance of police occupa-

ational development to police worker wellbeing is so great, it is a matter of some seriousness that these limitations are reduced.

During the 70 plus years since the first police union formed, the rights and benefits of police employees have improved considerably. Police employees now receive an income which, after the first few years of service, places them on average among the top salary/wage earners. The early battles concerning pay, rest days, leave and superannuation are now mostly won. Safeguards exist with respect to unfair promotions, punishments and postings. Employers have made some original contributions in some states, for example leave banks but generally speaking, present employees' conditions of service reflect the reactions of governments and administrators to union representations and at times, pressure.

In terms of employee priorities, the most important dimension of protection is economic. The various unions undertake this responsibility and managed to marginally improve their collective position during the period 1964-77. Considering the economic and industrial climate that prevailed during much of that period, their performance warrants some approbation. The Police Department of New South Wales, primarily due to the efforts of the Police Association of New South Wales, retained its traditional position as police salary pacesetter overall, although its margin decreased overall. Now that indexation guidelines no longer apply, the various police unions seek new avenues to exploit in the hope of achieving real gains. Efforts to offset inflation induced erosion of salaries along keep both unions and employers on an industrial treadmill.

It is noticeable most major police industrial disputes are not related to the various awards/determinations, that is principally money matters. In part, this relative absence of money-related disputation is a reflection of employee satisfaction with the financial results obtained by their unions. The provision of arbitration processes in respect of economic matters also aids the general lack of employee militancy in this area – even though the development of industrial negotiative expertise is impeded as a result. On the other hand, disputes unrelated to awards/determinations, that is concerning managerial prerogatives, are either not permitted arbitration or arbitration processes are not easily accessed in respect thereof. Police employees do not make such distinctions in their grievances and thus, when negotiations touching upon managerial prerogatives become impassé, militance is an

understandable outcome. This division of opinion over the limits to employee grievances constitutes the greatest single obstacle to harmonious union-administration relations. When stretched to the extremes of militance, police unions and employees have shown they can be formidable opponents, to the extent of seriously embarrassing governments on occasions. It is observed that they are particularly effective when resorting to the political arena.

Despite competing arguments concerning the moral and legal bases of industrial relations, practitioners are aware that, in the absence of reason and goodwill, power is the ultimate determinant of outcomes. Thus far, managements have benefited from the conservatism that has traditionally prevailed among police employees. Indications in all mainland states are that the reluctance of employees to become industrially active cannot be relied upon by employers for much longer. Industrial goodwill is not widely evident in the police community. Its maintenance and indeed, improvement must be a top priority of administrations and unions alike. Police employees have not yet fully appreciated their industrial power. Garbage collectors, aircraft controllers, firefighters, custodial officers, ambulance officers, fuel distributors and transport drivers have all withdrawn their labour in recent times to the very considerable inconvenience of the public and industry and the embarrassment of governments. A four or five day police strike by a majority of police in a particular state or territory may not have the same economic consequences as a strike by power operators, for example, but the social impact would be considerable. Police strikes within the next half decade are possible but not inevitable. The primary determinant will be the industrial competence of employers. Most police administrations are in the process of upgrading their industrial relations capacity. The answer however, lies not so much in nominating senior officers to accept responsibility for industrial affairs but the appointment of competent industrial and employee relations officers having direct access to the chief officer.

Police employees are all legally restrained under their regulating statutes from withdrawing their labour. Such prohibitions, direct and indirect, place police unions at a tremendous disadvantage when seated at the bargaining table, provided members are willing to abide by such constraints. There has long been a moral need to either remove the prohibition or provide employees some compen-

sation for their disadvantageous bargaining position. A non-strike allowance seems a reasonable solution. Similarly, final best offer bargaining should be made available to the police industry in the event of impasses occurring in the course of negotiations so as to reduce the potential for serious industrial unrest.

The most promising route to long-term industrial harmony (and wellbeing of employees) is that of occupational development. The occupation certainly possesses the potential for professionalisation but whether that potential is realised depends on many factors. Probability will certainly be enhanced if both unions and administrations consider the future carefully. Indeed, it is highly desirable they study the future jointly by means of standing committees on the future. While unions appear to possess greatest moral responsibility and indeed, practical involvement in occupational development, administrations also share responsibility indirectly, especially in the early stages when the occupation is still almost entirely organisationally bound. Until substantial degrees of professionalisation are achieved, it can be assured many complex problems will arise. The resolution of these problems require standards of informedness, diplomacy and administrative capacity not currently available in the police community to any marked extent. However, present symptoms of occupational decay due to the intrusion of federal influences into policing and a certain loss of direction by both administrations and union managements suggest occupational development is far from assured. The stark alternative to development is for the police occupation to slide into the lower status occupational category of criminal law enforcement as has happened in North America.

Union structures and functions show broad similarity across states. At the same time, distinctive minor variations in structure, style and emphasis indicate the appropriateness of state/territory based police and police union systems. Generally, police unions protect the economic interests of their members, promote their welfare, support them when they encounter disciplinary or legal problems, prosecute their grievances, defend the police service against external attack and provide relevant information to both their own members and the media.

Union managers who are 'ahead of their time' need a forum not directly tied to members' votes, a vehicle capable of permitting the development and expression of ideas, philosophies and policies.

The Police Federation, properly handled, provides just such a structure, being ideally suited for the promotion of occupational development. To date, confused thinking, inconsistency and an inability to satisfactorily define the Federation's role has resulted in the body reaching a low ebb. So low indeed have its fortunes fallen that the creation of what is in effect a competing body, although possessing few of its advantages, has been seriously considered by police union representatives. This fact provides a perfect example of the difficulties facing the police union movement in its role as 'professional' association.

The protection of police employees is a complex multifaceted concept. Its justification is based on grounds of both humaneness and economy. All workers are entitled to be treated as well as circumstances permit and at all times with fairness. Organisational equity demands nothing less. The other side of the same coin requires of course, that employees give of their best in the workplace at all times. Workers who are well protected, all things being equal, will perform better than those who are not. They will last longer than those who are not and as a result, a high level of ability is maintained within organisations.

While administrators quite properly place operational needs above those of employees, they lose sight of the fact that more resources invested in personnel will ultimately provide that sought after improvement in performance. It is in this respect that administrators have over the years, to varying extents, been deficient. The short-term view has prevailed at the expense of the long-term. Unions have helped offset that short-sightedness but their role in this respect has not always been fully understood even by their own officials.

The interrelated trilogy of administrators, unions and occupation, possesses great relevance to the wellbeing of police workers. All aspects of employee protection, including those not addressed here, are highly pertinent to considerations of operational performance, an aspect of administration which is generally not well appreciated. The combination of well protected police workers operating effectively in an occupation possessing ample potential for development holds, in turn, obvious implications for the creation of a police profession.

Annex A

WORK TO RULE GUIDELINES – POLICE ASSOCIATION OF VICTORIA

The following work to rule guidelines were contained in a letter from the Secretary of the Police Association of Victoria to the Premier, dated 19 October 1976. Italicised portions represent additions made for general dissemination. The complete document appeared in *The Age*, 19 October 1976, p. 5.

Upon commencing each shift, members shall:

1. Sign on – work activity not to start until the exact time of rostered commencement unless safety and welfare of community endangered.
 - (i) Check members' message book;
 - (ii) Check personal correspondence and attend to correspondence of an urgent nature; **complete diaries**;
 - (iii) Read daily circulars;
 - (iv) Read teleprinter messages;
 - (v) Read running sheets of previous shifts;
 - (vi) Read circular memos;
 - (vii) Read complaints book;
 - (viii) Read *Police Gazette* and photo supplement;
 - (ix) Read telephone message book;
 - (x) Read collators' sheet;
 - (xi) Sign out equipment for use during shift;
 - (xii) Driver to sign out police car;
 - (xiii) Driver to complete 21 point roadworthy (sic) check of vehicle as per page 59 of the Victoria Police Driving and Roadcraft Manual; and
 - (xiv) If all 21 points are not correct, the vehicle is to be faulted and not be used under any circumstances.

It is envisaged that this total procedure may be of at least one hour's duration. It is unfortunate but this will probably mean that Sub-Districts will not receive police coverage for this period at the change of every shift.

It is necessary to implement this action because at least one of the allegations at the Beach inquiry was precipitated by a breakdown in communication. Under this new system, the first hour of every shift will be utilised by members to familiarise themselves with information pertinent to them.

In addition, at the present time if members do not complete the full 21 point car check, they can be charged with a Departmental offence. In any case, members of the police service, as a matter of safety, must always be driving completely roadworthy cars.

2. After this initial procedure has been completed, the member may commence his running sheet and then his patrol provided there is another member to accompany him. From this point of time, no member should work one-up under any circumstances unless absolutely impractical.

Due to the critical manpower shortage that this Government has allowed to eventuate, this action will unfortunately result in possibly a 50 per cent reduction in police patrols.

3. Once on patrol, no member shall exceed the speed limit or breach any other traffic law whether in pursuit of offenders or not. Standing Order No. 1823(1) shall be applied at all times.

Undoubtedly this means that traffic offenders will not be intercepted unless for some reason they stop and allow members to catch up to them, for example if they stop at the next red light.

This is necessary although a distasteful direction. Members have already been charged before the Discipline Board and the open court for offences relating to traffic violations committed while engaged on police duty.

There is no provision to allow members to break such laws. Even with the light and siren going, and while operating as an emergency vehicle with express permission of D-24, the driver can only contravene certain regulations when safe and expedient.

If members are involved in an accident, they are not covered by the law. By strictly adhering to the letter of the law this type of difficulty will be overcome.

4. Members of the police service are to comply with Standing Order No. 979 which states:

Many offences of a minor nature are committed through ignorance. Police should assist the public to avoid such offences. Where intervention to this end is advisable, a cheerful smiling attitude will do much towards promoting good relations between police and public.

As a result, traffic infringement notices and parking infringement notices will rarely be issued. Minor offences will warrant a warning and advice instead of a fine. Hopefully, this type of action will develop and maintain a good liaison with the public.

Incidentally, it will probably cost the Government in the vicinity of \$8 million a year.

Serious offenders will still be prosecuted if they can be caught without breaching any regulations.

5. Due to the comments made during the Beach inquiry in relation to corroboration, members should not interview any person unless accompanied by another member of the police service.
6. All members are to read and strictly comply with the judges' rules, for example outlined in Standing Order No. 634. Before any questions are put during an interview, a caution shall be given.

In many circumstances this will result in guilty men declining to answer questions and merely walking out the door in contempt of justice. Evidently this is what the community desires.

It will have the desired effect of stopping allegations. In fact, unless an individual gives himself up, it is hard to envisage any persons being charged with any offences in the future.

7. All members shall record each and every in-going and out-going telephone messages in the station telephone book as per Standing Order No. 367.
8. No member shall carry children in police vehicles which are not fitted with restrainter belts as provided for under the provisions of the Motor Car Regulations.
9. Members should return to their stations at least one hour prior to their tour of duty finishing in order to complete any paper work that they have accumulated during the shift.
10. Members shall finish their tour of duty exactly eight hours after commencement unless overtime is granted.

It should be reiterated that these are only guidelines and not directly relevant to all areas of the police service. Members are however, strongly advised to adopt and adapt these measures to suit their own particular environments.

If any problems are encountered with the implementation of the guidelines, executive members of the Association should be contacted immediately.

The community gets the type of police force they deserve (sic). They have allowed this type of service to be developed and forced on us and now they have it.

God help us all.

Annex B

AN OPEN LETTER TO THE MOTORING PUBLIC OF WESTERN AUSTRALIA, 8 March 1973

Re: Traffic Control

Dear Motorist,

In all the talk of establishing a State wide authority (separate from the Police Force) no one has as yet touched on the cost of such a scheme and who will pay the bill.

If the New Zealand budget is any guide to which there must be added the considerable capital outlay of creating facilities comparable with the existing police establishments throughout the State, plus the cost of equipment and an adequate radio network, it becomes quite obvious several million dollars must be raised somewhere, and for what benefit?

In the absence of any indication to the contrary, it is not unreasonable to assume that the poor motorist will be called upon to pay even more than ever before.

If this sort of money is available, why cannot it be spent on the existing police force, thus giving it strength and facilities to attain a degree of efficiency in crime prevention and traffic control second to none in Australia. Eventually this would bring about a standard of discipline in road behaviour that would have untold benefits in the saving of life, suffering and property damage.

Advocates of a separate traffic body have quoted very often the New Zealand system in support of their argument, inferring without substantiation, that the system itself is responsible for the alleged favourable accident rate in that country.

Considering road fatalities in New Zealand rose from 504 in 1969 to 600 in 1971, it is doubtful if the authorities there are jumping for joy at the current trend.

The fact that New Zealand has the benefits of lower speed limits (30 to 55 miles per hour), as compared with 35 to 65 miles per hour here, plus six monthly inspections of vehicles for roadworthiness and a budget of \$4.635 million for traffic enforcement \$540,000.00 for administration costs and \$1,130,000.00 for vehicle inspections (1972) could conceivably have more bearing on the overall picture than the fact of having a separate authority.

(These figures are taken from the report of the Ministry of Transport, New Zealand of March 31 1972).

Critics of the system of control of traffic by police fail to recognise, or deliberately ignore, the amount of crime that is solved arising from the initial apprehension for what is often a minor traffic offence.

How, in all practicality, can police be divorced from involvement in serious and fatal accidents, drunk drivers and criminal charges arising from the use of motor vehicles? Manslaughter, bodily harm, stealing of, unlawful use, interfering with mechanism, are just a few:

Traffic control is a matter of life and death.

The obvious and practical method of ensuring the maximum compliance with road safety rules is for control to be uniform throughout the State and administered by the police of the State, common to all other States in the Commonwealth.

The individual police officer, by virtue of his position in the community, is recognised as the law enforcement officer.

The minimising of the carnage on our roads, and the unnecessary expense arising therefrom falls within the scope of law enforcement, therefore who better to deal with it than the men recognised by tradition and training as the custodian of our laws.

It must be obvious to all that the introduction of several hundred extra police officers with their complete authority and the presence of more marked police cars on country roads will not only act as a deterrent to anti-social drivers, but improve the overall protection for members of the public and their property in all areas of the State. It is your property, it is your life!

Yours faithfully,

I.T. FRASER,
General Secretary,
Western Australian Police
Union of Workers

Annex C

POLITICS ON THE ROAD

13 March 1974

Fifteen years ago the question of control of all country traffic by police was considered URGENT!!

Since then the control of traffic has become a political football, with the scores written in blood. It is essential that we put a stop to this tragic political game.

Persistent efforts are still being made by the Country Shire Council's Association to create an authority separate from police, entirely to protect the selfish interests of a few members of local government who, for the past 15 years have refused to recognise the insurmountable case for complete traffic control by police.

For years those people have refused to accept the fact that Traffic Control and Crime Prevention are interlocked and that most law breakers are highly mobile. It is necessary that a highly mobile force be maintained throughout the State to give improved protection not only for motorists but for all members of the public.

Those in opposition to Police Control refuse to accept the logic presented by the Government — the various organisations associated with traffic throughout Australia and senior police officers and have not been able to present practical reasons for a separate Traffic Authority. Apparently they are prepared to continue the wrangle indefinitely, irrespective of the costs in human life and misery.

It has been pointed out that the creation of a separate authority can only be done at enormous cost to the taxpayer and would duplicate the highly respected law enforcement agency already in existence.

The Liberal policy enunciated by Sir Charles Court reflects a complete reversal of fact. He indicated that his policy was as a result of considerable research when in government. However records reveal that in 1966, a report submitted to the Brand Government urged police control of traffic. Further he indicated that his policy was arrived at after consultation with all interested bodies; police were never consulted by Sir Charles Court prior to his statement on a

separate authority made last week. Neither has he revealed any details of his policy decision; such as: costing, jurisdiction, role to be played by police, whether he intends to conscript policemen to staff the new authority, accommodation for the new department in country towns, training facilities, communications, etcetera.

We appeal to all citizens for assistance to convince members and potential members of Parliament that lives come before revenue – insist that Police be given the green light to get on with the job.

Issued in the interests of Public Safety
on behalf of the Police of Western Australia, by:

I.T. FRASER,
Western Australian Police
Union of Workers

Annex D

OBJECTIVES STATEMENT OF POLICE ASSOCIATION OF NEW SOUTH WALES

1. To conduct negotiations and enter into agreements with the relevant authority or lodge applications with industrial tribunals respecting rates of pay, allowances and conditions of service of members.
2. To secure preference to members of the Association.
3. To inquire into and secure fair and reasonable adjustment on behalf of members in cases of any charge, suspension, reduction in rank, position, or rank and pay, dismissal or retirement.
4. To secure redress for any grievance to which members may become subject.
5. To afford opportunity for full discussion of any subject relating to the general welfare of the Police Association, and to use all reasonable and constitutional means in dealing with any matter.
6. To provide means for combined action in matters affecting the welfare of members.
7. To advise and assist members in preparing and placing cases before any Departmental Inquiry or Appeal Tribunal and to provide Financial Assistance and Legal Aid in accordance with these Rules.
8. To acquire property for investment including the purchase or erection of a building for office and other accommodation.
9. To publish the 'New South Wales Police News'.
10. To establish welfare schemes approved by Annual Conference for the benefit of members, their families or nominees.
11. To promote the interest of the Police Service by every means consistent with its Rules, and with loyalty to the Government of New South Wales.

12. To promote and encourage the social fellowship of members of the New South Wales Police Force.

Extracted from: *Certified Rules of the Police Association of New South Wales*, pp. 9-10, rule 3.

Annex E

OBJECTIVES STATEMENT OF POLICE ASSOCIATION OF VICTORIA

1. To promote the interests of members of the Police Force of Victoria by every means consistent with the provisions of the Police Regulations Act and any regulation made thereunder.
2. To regulate the relations between members of the Association in order to maintain a contented and loyal Police Force.
3. To improve the conditions of employment and service and to promote the welfare of members generally.
4. To promote discipline in the said Police Force and concord between officers and men with a view to improving the efficiency of the said Force.
5. To afford opportunities for the full discussion of any lawful means in dealing with any matter which may affect the welfare of its members.
6. To use or make provision for or organise the use of any lawful means in dealing with any matter which may affect the welfare of its members.
7. * To undertake any activity which may further the social employment of members of the Association.
* To apply for registration of the Association as a Club pursuant to the provisions of the Liquor Control Act of the State of Victoria.
8. To protect the rights, powers and privileges of the members of the Association and provide legal assistance to members.
9. To assist members who have been injured in the execution of their duty and to safeguard the interests of members in such cases, any financial aid to be subject to the approval of the Executive of the Association.
10. To provide gratuitous relief by means of pecuniary or other assistance of necessitous persons who are or have been members of the Association, their widows, children and immediate relatives dependent upon them.

11. To engage in any lawful activity which has as its object the general welfare of the members of the Association.
12. To remunerate any person, firm or corporation for services rendered to the Association and to pay for any property, rights, privileges, concessions or any other interest or thing acquired by the Association by cash payment or by the allotment of debentures, stock or other lawful securities issued by the Association.
13. To purchase, take on lease or in exchange, hire or otherwise acquire any real and personal estate which may be deemed necessary or convenient for any of the purposes of the Association.
14. To construct, maintain, and alter any houses, buildings or works necessary or convenient for the purposes of the Association.
15. To take any gift of property, whether subject to any special trust or not, for any one or more of the objects of the Association.
16. To take such steps by personal or written appeals, public meetings, or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions, or otherwise.
17. To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
18. To sell, manage, lease, mortgage, dispose of, or otherwise deal with all or any part of the property of the Association.
19. To borrow and raise money in such manner as the Association may think fit.
20. To invest any moneys of the Association, not immediately required for any of its objects; in such manner as may from time to time be determined.
21. To undertake and execute any trusts or any agency business which may seem directly or indirectly conducive to any of the objects of the Association.
22. To affiliate with any other Association, society or federation in the Commonwealth of Australia having similar objects to the Association.
23. To establish and support, and to aid in the establishment and support of any other Associations formed for all or any of the objects of the Association.
24. To purchase or otherwise acquire and undertake all or any part of the

property, assets, liabilities and engagements of any one or more of the institutions, societies or associations with which this Association is authorised to amalgamate or affiliate.

25. To transfer all or any part of the property, assets, liabilities and engagement of this Association to any one or more of the institutions, societies or associations with which this Association is authorised to amalgamate or affiliate.
26. To obtain all powers and authorities necessary to carry out or extend any of the above objects.
27. To do all such other lawful things as are incidental or conducive to the attainment of the above objects.
28. To establish and maintain a Benefit Fund.
29. To subscribe to any charity and to grant donations for any public purpose.
30. To provide a Superannuation Fund for the servants of the Association or otherwise to assist any such servants or their dependants.

Extracted from: *Memorandum of Association of the Police Association*, pp. 3-8, rule 3.

Annex F

OBJECTIVES STATEMENT OF QUEENSLAND POLICE UNION OF EMPLOYEES

1. To deal with all matters appertaining to the advancement of police duties and the Rule of Law.
2. To act as an intermediary between the members of the Union and their employers, and to promote good-will and discipline in the Police Force.
3. To secure adequate salaries and conditions for members of the Union.
4. To protect and advance the interests of members.
5. To maintain a Legal Defence Fund for the benefit of members.
6. To maintain a Sick and Incapacity Fund for the purpose of assisting financial members whose pay has ceased or has been reduced in accordance with the Police Award.
7. To maintain a Union Journal which will be posted to members or contributors at regular intervals.
8. To acquire for the proper purpose of the Union any real and personal property, and to sell, mortgage, lease, let, hire and otherwise deal as beneficial owner with all such land and other property.
9. For the proper purposes of the Union, to borrow or raise money in such manner as may be determined from time to time by the Executive and the majority of Branches, and in particular by the issue of debentures or debenture stock perpetual or otherwise charged upon all or any part of the property of the Union, both present and future, or without any such change and upon such terms and conditions as may be determined by the Executive and the majority of Branches, and generally, to borrow money in any manner and on any conditions.
10. To assist other Police Unions and/or Associations in Australia when occasion arises.

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11. To maintain a Mortality Fund.
12. To assist our Country financially and otherwise in time of danger.
13. The Union shall be non-political, and no part of its funds shall be used for any political purpose. The Union may, however, affiliate with a political party organisation after approval of such action by referendum of the Union.
14. For all of which purposes and for the administration of the Union, the funds of the Union shall be applicable.
15. The Union may represent its members in any industrial matter.
16. To maintain a sick leave bank for assistance to members incapacitated and who would otherwise be on leave without pay.
17. To inaugurate and maintain a Police Legacy Fund.
18. To maintain a Suspension Fund.

Extracted from: *Queensland Police Union of Employees Rules*, pp. 1-2, rule 3.

Annex G

OBJECTIVES STATEMENT OF POLICE ASSOCIATION OF SOUTH AUSTRALIA

1. To promote the interests of the members of the Police Service of the State of South Australia by all means consistent with these rules and with loyalty to the Government of South Australia.
2. To afford opportunity for the discussion of matters affecting the Police Service.
3. To provide for combination of action in matters affecting any members or member of the Association.
4. To consider, and if necessary to endeavour, to obtain redress or for settlement of any grievances or complaints affecting the Police Service.
5. To have recourse to all means provided by the Industrial Code as amended, or any other Acts of Parliament amending or extending the same in order to carry into effect the objects of the Association which is Registered under the Industrial Code as amended.
6. To encourage esprit de corps among members of the Police Force of South Australia.

Extracted from: *Police Association of South Australia Rules*, pp. 1-2, rule 3.

Annex H

OBJECTIVES STATEMENT OF POLICE ASSOCIATION OF TASMANIA

1. To promote the interests of the Police Service by means consistent with its Regulations, and with loyalty to the Government of Tasmania, British Commonwealth of Nations and Her Majesty The Queen.
2. To afford full discussion of any subject having relation to the general welfare of the Association, and to provide for the use of its Members all reasonable and constitutional means in dealing with any matters affecting any member thereof.
3. To secure redress for any grievance to which members may become subject, where there is just cause.
4. To enquire into and secure fair and reasonable adjustment on behalf of members in the case of any charge, suspension, reduction in rank, position, or rank and pay, dismissal or retirement.
5. To advise and assist members in preparing and placing cases before Departmental enquiry.
6. To secure preference for members of the Association.
7. To enter in agreements respecting rates of pay and conditions of service with any authority acting on behalf of the Government.
8. To provide means for combined action in matters affecting the welfare of members.
9. To make financial provision for carrying out of any of the objects of the Association.
10. To establish a fund or funds for the provision of financial assistance for the better carrying out of the objects of this Association.
11. To establish a Sick Leave Bank to provide assistance for members, who are, or who become, sick, and as a result thereof are receiving less than their full pay, in accordance with Police regulations.

12. To inaugurate and maintain a Credit Union Co-Operative Society within the Association.
13. To provide financial assistance to members on the death of a member's wife or dependant child; and to provide financial assistance to the widow or next-of-kin of a deceased member.
14. To secure or assist in securing legislation for the protection of the interests of the Association and for the general and material welfare of its members.
15. To assist other Police Associations or Unions in the Commonwealth of Australia to pursue objects consistent with the objects of this Association.
16. To foster and maintain a Registered Licensed Club for the members of the Association.
17. To provide for the acquisition of property including the purchase or erection of a building for office and other accommodation.
18. To promote and encourage the social fellowship of members of the Association.
19. To give legal assistance in connection with all or any of the objects of the Association within the limits allowed by law and the By-Laws of this Association.

Extracted from: *Rules and Constitution, By-Laws, Sick Leave Bank Rules, The Police Association of Tasmania*, pp. 4-5, rule 4.

Annex I

POLICE ASSOCIATION OF NEW SOUTH WALES RULES CONCERNING FINANCIAL ASSISTANCE AND LEGAL AID

LEGAL AID

59. The Executive may provide either financial assistance or full legal aid to a member:
- (a) in proceedings before any Departmental Inquiry Tribunal;
 - (b) in proceedings before any Employees' Appeal Tribunal;
 - (c) in proceedings arising from the performance of duty for payment of compensation under the *Criminal Injuries Compensation Act*;
 - (d) in seeking legal advice concerning the merits of any proposed suit for damages or other civil cause arising from the performance of duty;
 - (e) in an inquest arising from the performance of duty where no such assistance or aid is provided by the Crown and the matter involves a principle of general interest to members;
 - (f) in defence of any civil action arising from the performance of duty where no such assistance or aid is provided by the Crown and the matter involves a principle of general interest to members. However, the Association shall not accept liability for payment of any costs or damages awarded in such action;
 - (g) after any criminal case arising from the performance of duty in which no such assistance or aid was provided by the Crown, a member has appeared before a court, the charge has been dismissed or he has been otherwise exonerated, and the matter involves a principle of general interest to members; and/or
 - (h) in any case arising from the performance of duty where the matter involves a principle of general interest to members.

Requests for assistance or aid under clauses (a) to (d) of this Rule shall be made to the Executive through the General Secretary.

Requests for assistance or aid under clauses (e) to (h) of this Rule shall be made to the Executive through the Branch and if supported by the Branch shall be submitted with the full brief of the evidence upon which the applicant relies to substantiate his case.

Where full legal aid is provided the Executive shall retain the right to nominate the solicitor and counsel of its choice and if it subsequently appears that full and frank disclosure has not been made by the applicant, may withdraw from the case.

The Executive may provide financial assistance in a particular case for such period of time as appears necessary to establish a principle of general interest to all members.

The Executive may determine from time to time the rate of financial assistance to be provided under this Rule.

Any decision of the Executive under this Rule shall be final and binding upon all members.

Extracted from: *Certified Rules of the Police Association of New South Wales*, pp. 59-60, rule 59.

N.B. Due to difficulties of judging merits of applications, the Police Association of New South Wales generally, as a matter of practice, pays the costs of all charged members who are not in receipt of other support. As the Police Association of New South Wales does not have a legal defence fund, such support is quite costly. For the calendar year 1977 for example, legal assistance costs totalled almost \$40,000.

Annex J

POLICE BASE WEEKLY WAGE (Constable, First Year) BY STATE AND YEAR, AVERAGE POLICE BASE WEEKLY WAGE AND, AVERAGE WEEKLY EARNINGS FOR MALE UNITS, 1964-1980

Year	Average Police		Police Department					
	Weekly Earnings	Average PC 1yr	N.S.W. PC 1yr	Vic. PC 1yr	Qld. PC 1yr	S.A. PC 1yr	W.A. PC 1yr	Tas. PC 1yr
1964	53.28	45.74	50.31	44.19	43.68	43.69	43.08	49.50
1965	56.88	46.66	50.60	44.36	45.87	46.53	43.08	49.50
1966	59.83	48.84	51.82	46.31	47.41	48.92	49.06	49.50
1967	63.70	52.57	54.46	51.14	51.11	55.05	51.65	52.02
1968	67.60	53.87	56.27	51.85	53.50	56.10	53.49	52.02
1969	73.37	56.57	60.73	55.27	59.10	56.14	56.17	52.02
1970	79.83	61.54	62.01	58.56	63.45	65.57	60.33	59.30
1971	89.55	68.12	64.83	69.62	73.16	66.54	69.23	65.36
1972	97.00	75.72	80.38	73.56	80.49	71.43	75.72	72.72
1973	109.25	86.78	92.50	88.01	88.43	80.93	83.82	87.00
1974	133.75	107.03	104.60	110.70	109.57	100.85	104.22	112.26
1975	158.20	129.07	126.37	131.47	127.21	128.99	131.18	129.22
1976	180.40	154.07	166.30	158.34	148.19	154.07	151.62	145.90
1977	200.13	172.32	183.00	173.23	172.22	170.59	169.63	165.24

1. Base weekly wage of first year constables only.
2. Sources: Australian Bureau of Statistics, *Social Indicators*, male units only. Includes overtime whereas police data do not.
3. Sources: Glenn Withers, *Police Wages in Australia*, [1980], (Roneoed); various police unions.
4. Where more than one movement occurred in any one calendar year, they have been averaged regardless of the portion of the year to which they applied.

N.B. This is a rough guide only to police base wage movements, the data provided must be read in conjunction with the accompanying footnotes which give some idea of the limitations involved.

Annex K

CLASSIFIED LIST OF POLICE EMPLOYEE GRIEVANCES, ALL STATES, 1978

<i>Serial</i>	<i>Items</i>
001	failure of department to ensure members over 55 years old do not perform night duty (Vic.)
002	failure of department of complete influenza vaccination program (N.S.W.)
003	failure of department to establish sick leave bank (Tas.)
004	failure of department to appoint a police medical officer to western suburbs (N.S.W.)
005	failure of department to permit shrine guard to wear sun glasses (Vic.)
006	failure of local governments to ensure members not attacked by savage dogs (Qld.)
<hr/>	
007	failure of department to ensure members are accorded a six months statute of limitations in respect of disciplinary offences (Vic.)
008	failure of department to ensure members under internal investigation are permitted to have a person, including a lawyer of their choice, with them while being interrogated (N.S.W.) (Qld.)
009	failure of department to formulate policy concerning postings of members by direction subsequent to disciplinary action (Vic.)
010	failure of department to exercise proper discretion in case of member charged with a traffic offence (N.S.W.)
011	failure of police association to issue guidelines to members concerning complaints (Tas.)

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- 012 failure of government to repeal regulation prohibiting possession by police of race horses and coursing dogs (Qld.)
- 013 failure of department to state policy in respect of *Equal Opportunity Act* (Vic.)
- 014 failure of department to ensure complete freedom of members when rostered days off, including the right to take a second job (N.S.W.) (Vic.)
- 015 failure of department to repeal procedure whereby members on sick leave are visited by a non-commissioned officer (N.S.W.) (Tas.)
- 016 failure of department to prosecute persons making false complaints against police (N.S.W.)
- 017 failure of department to repeal requirement obliging members to advise private study attempted (N.S.W.)
- 018 failure of government to appoint a chairman of the police inquiry committee who is not a member of the Crown Law Department (S.A.)
- 019 failure of department to treat certified common law relationships as marriages (N.S.W.)
- 020 failure of department to give reasons for dismissal to dismissed members (Tas.)
- 021 failure of department to permit members two days sick leave without certificate (Tas.)
- 022 failure of department to provide advance notice of inspection to occupants of police dwellings (Vic.)
- 023 failure of department to ensure members are not directed as to where they live (Vic.)
- 024 failure of department to prepare acceptable regulations concerning hair styles (N.S.W.)
- 025 failure of department to permit union delegates to attend regional conferences in duty time (Qld.)
- 026 failure of department to ensure members possessing tertiary qualifications receive no benefit other than an allowance until promoted sergeant first class (N.S.W.)

- 027 failure of department to resolve reservists' complaints within a reasonable time (Vic.)
- 028 failure of department to remove discrepancies in conditions of service applying to regular and reserve members (Vic.)
- 029 failure of the South Australian Government to reinstate H.H. Salisbury (N.S.W.)
-
- 030 failure of department to relax summer uniform dress regulations, including removal of ties (Vic.) (W.A.)
- 031 failure of department to permit the non-wearing of caps in police vehicles (N.S.W.)
- 032 failure of department to prepare acceptable regulations concerning the wearing of uniform slacks by female members (Tas.)
- 033 failure of government to provide right of appeal for commissioned members (W.A.)
- 034 failure of government to prohibit use by private company employees of uniforms similar in appearance to those worn by police (N.S.W.)
-
- 035 failure of department to stem high resignation rate (N.S.W.)
- 036 failure of superordinates to support subordinates in claim for compensation (Vic.)
- 037 failure of department to relieve low morale (Vic.)
- 038 failure of superordinates to show courtesy to subordinates when 'tagging' them (Qld.)
- 039 failure of department to improve relations with police association (Vic.)
-
- 040 failure of police association to form a committee to aid distressed members (Tas.)
- 041 failure of bank to provide cheque cashing facilities (Tas.)
-
- 042 failure of department to provide for members to sit promotion exams interstate (Vic.)

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- 043 failure of department to list exam results alphabetically (Qld.)
 - 044 failure of department to show marked papers to failed examinees (W.A.)
 - 045 failure of department to separate examinations for sergeant third class and sergeant second class in examination manual (N.S.W.)
 - 046 failure of department to ensure four weeks training in preparation for each promotion exam (N.S.W.)
 - 047 failure of department to inform examinees of results by subject (N.S.W.)
-

- 048 failure of department to formulate acceptable Criminal Investigation Branch entry criteria, including lack of discrimination between males and females (Vic.) (N.S.W.)
 - 049 failure of department to remove anomalies in departmental driver licensing criteria (Vic.)
 - 050 failure of department to formulate acceptable selection criteria for promotion to sergeant first class (N.S.W.)
 - 051 failure of department to ensure seniority as sole promotion criterion (N.S.W.)
 - 052 failure of department to make medical examinations unnecessary for promotion up to and including senior constable (N.S.W.)
 - 053 failure of department to permit members to be promoted after having previously refused promotion (N.S.W.)
 - 054 failure of department to formulate promotion selection criteria for injured on duty personnel (N.S.W.)
 - 055 failure of department to ensure members receiving promotion on geographic grounds spend a minimum of three years at the advertised station (Vic.)
 - 056 failure of department to ensure acceptability of appraisal system (Tas.) (N.S.W.) (Vic.)
 - 057 failure of police association to devise an alternative appraisal system (Tas.)
-

- 058 failure of department to create a prosecutions section (Vic.)
- 059 failure of department to upgrade rank of operations room supervisor (N.S.W.)
- 060 failure of department to upgrade sergeant first class (clerical) positions (Qld.)
- 061 failure of department to appoint a health and safety officer (Vic.)
- 062 failure of department to appoint a retirement counsellor (Vic.)
- 063 failure of department to employ gardeners at head stations (Vic.)
- 064 failure of department to devise a more appropriate rank structure (N.S.W.)
- 065 failure of department to achieve satisfactory personnel strengths (N.S.W.) (Vic.) (Qld.) (W.A.)
- 066 failure of department to devise a more appropriate ratio of commissioned officers to non-commissioned personnel (N.S.W.)
- 067 failure of department to review strengths of coastal stations over Christmas period (Vic.)
- 068 failure of government to return traffic control to police operational control (W.A.)
- 069 failure of department to introduce rank of sergeant third class (Qld.)
- 070 failure of department to not appoint a chaplain (Tas.)
- 071 failure of department to employ injured on duty personnel (Qld.)
- 072 failure of department to employ sufficient civilian staff, including cleaners (Vic.)
- 073 failure of department to fill vacancies (Vic.)
- 074 failure of department to review staffing of Planning and Research section (Qld.)
- 075 failure of Department of Motor Transport to provide a driver examiner at Mittagong (N.S.W.)
-

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- 076 failure of department to formulate an acceptable postings policy (Qld.)
- 077 failure of department to ensure reliefs for one or two person stations are drawn from head stations (Qld.) (N.S.W.)
- 078 failure of department to provide reasonable notice of postings (Qld.)
- 079 failure of department to ensure reliefs are of the same rank as those relieved (Vic.)
- 080 failure of department to ensure Criminal Investigation Branch postings are to specific stations/units rather than districts (Vic.)
- 081 failure of department to provide home owning members six months notice of postings (N.S.W.)
- 082 failure of department to relieve absent members (W.A.)
- 083 failure of department to ensure equitable postings in metropolitan area (N.S.W.)
- 084 failure of department to ensure non-effective personnel are not held against station strengths (N.S.W.)
- 085 failure of department to permit members to forego promotion in order to remain at a particular posting (N.S.W.)
- 086 failure of department to ensure female probationers receive same work experience as male probationers (N.S.W.)
- 087 failure of department to gazette all positions and vacancies (Qld.) (N.S.W.)
- 088 failure of department to reintroduce system whereby original copy of a posting application goes through channels while a copy goes direct to police headquarters (Tas.)
- 089 failure of Public Transport Commission to provide open rail passes for plain clothes members (N.S.W.)
-
- 090 failure of department to introduce nine day shift cycles (N.S.W.)
- 091 failure of department to prevent alteration of rosters so as to preclude court overtime (N.S.W.)

- 092 failure of department to permit cancellation or deferment of rostered days off at discretion of members who are given less than 48 hours notice of same (N.S.W.)
- 093 failure of department to ensure minimum rest period of eight hours between shifts (Vic.)
- 094 failure of department to ensure rosters are prepared at least 48 hours in advance (Vic.)
- 095 failure of department to ensure there are two station reserve staff on all shifts at Mr Druitt police station (N.S.W.)
- 096 failure of department to prohibit 24 hour rosters for D-24 operators (Vic.)
-
- 097 failure of government to permit advance of greater proportion of allowances (W.A.)
- 098 failure of department to pay annual recreation leave loadings in advance (Vic.)
- 099 failure of department to avoid delays in payment of overtime (Vic.)
- 100 failure of department to reduce pay office miscalculations (W.A.)
- 101 failure of department to deduct union dues at source (Qld.)
- 102 failure of department to reduce delays in internal despatch, including gazettes and pay cheques (Qld.) (Vic.) (Tas.)
- 103 failure of department to consolidate circulars at time of issue (N.S.W.)
- 104 failure of department to ensure commissioner's directions are not countermanded (N.S.W.)
- 105 failure of department to improve provision for shooter reregistration (Vic.)
- 106 failure of department to prohibit movement of prisoners at No. 30 division substations to the head station each night (N.S.W.)
- 107 failure of Department of Motor Transport to waive minor deficiencies in monies collected by police on their behalf (N.S.W.)
-

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- 108 failure of department to provide sufficient single accommodation generally (Qld.) (W.A.)
- 109 failure of department to have departmental dwellings cleaned prior to occupation (W.A.)
- 110 failure of department to prevent a departmental dwelling being converted into work accommodation (N.S.W.)
- 111 failure of department to have improved departmental dwelling designs developed (Qld.)
-
- 112 failure of department to fumigate all stations annually (N.S.W.)
- 113 failure of department to ensure all police buildings are well designed and constructed (Qld.) (Vic.) (W.A.)
- 114 failure of department to ensure adequate facilities in all police establishments and other institutions utilising police services, for example, racetracks and showgrounds (N.S.W.) (Vic.) (W.A.)
- 115 failure of department to provide airconditioning in police premises generally (Qld.) (W.A.)
- 116 failure of department to have police buildings renovated upon request (Qld.)
- 117 failure of department to ensure an adequate supply of lockers at No. 30 division (N.S.W.)
- 118 failure of department to provide a Q-store in northern area (Tas.)
- 119 failure of department to provide refrigerators in specific stations (W.A.)
- 120 failure of department to demolish Nowra police station as originally intended (N.S.W.)
- 121 failure of department to ensure police stations are fully equipped prior to occupation (Vic.)
- 122 failure of department to ensure forensic science laboratory is in good working condition (Vic.)
- 123 failure of government to provide more detention facilities for juveniles (Vic.)

- 124 failure of department to consult with police association prior to occupation of police buildings (Vic.)
-
- 125 failure of department to provide adequate parking facilities generally (Vic.) (N.S.W.) (Qld.)
-
- 126 failure of department to ensure acceptable quality of police shirts (Vic.) (Qld.)
- 127 failure of department to ensure adequate supply of chevrons (Vic.)
- 128 failure of department to standardise male and female issues (Vic.)
- 129 failure of department to provide mess jackets for commissioned officers (Vic.)
- 130 failure of department to ensure new uniform is acceptable to members (Vic.)
- 131 failure of department to approve new shoulder title issue to all members (Vic.)
- 132 failure of department to increase annual cap issue (N.S.W.)
- 133 failure of department to issue metal breast badges (N.S.W.)
- 134 failure of department to issue protective clothing and eye protection to all police emergency service members (N.S.W.)
- 135 failure of department to ensure an adequate shirt issue (N.S.W.)
- 136 failure of department to issue waterproof parkas to No. 36 division members (N.S.W.)
- 137 failure of department to issue cold weather clothing in cold districts generally (N.S.W.)
- 138 failure of department to ensure acceptable quality of rubber sole boots (Vic.)
- 139 failure of department to prevent delays in uniform issues (N.S.W.) (Qld.)
- 140 failure of department to issue patrol jackets to members (S.A.)

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- 141 failure of department to procure a specified brand of crash helmet (Tas.)
 - 142 failure of department to issue three cell flashlights (W.A.)
 - 143 failure of department to ensure acceptable design of baton pockets (W.A.)
 - 144 failure of department to ensure acceptable issue of uniform socks (N.S.W.)
 - 145 failure of department to issue car coats (W.A.)
 - 146 failure of department to issue khaki uniform, including jumpers, to all persons in hot/dusty locations (W.A.)
 - 147 failure of department to discontinue award of Police Long Service and Good Conduct medal (N.S.W.)
 - 148 failure of department to award national medal (N.S.W.)
 - 149 failure of department to review identification cards (W.A.)
 - 150 failure of department to maintain full shirt issue when a slacks issue is accepted (Tas.)
 - 151 failure of department to design short sleeve blouse for female members (Tas.)
 - 152 failure of department to design lightweight breast badges for female members (Tas.)
 - 153 failure of department to provide an acceptable issue of pantyhose to female members (W.A.)
 - 154 failure of department to issue slacks to female members (W.A.)
 - 155 failure of department to commence new uniform trials (Tas.)
-
- 156 failure of department to restrict issue of receipt books to head stations (Tas.)
 - 157 failure of department to ensure acceptable supply of typewriters (Vic.)
 - 158 failure of department to issue satchels to all police vehicles (Vic.)

- 159 failure of department to maintain acceptable supply of ballpoint pens (Qld.)
- 160 failure of department to issue paper plates for prisoners' meals (N.S.W.)
-
- 161 failure of government to place monies earned from motor cycle escorts into a police vehicle procurement fund (Qld.)
- 162 failure of department to procure automatic vehicles exclusively (Vic.)
- 163 failure of department to supply sufficient transport for carriage of stolen goods (Vic.)
- 164 failure of department to ensure dome lights are fitted to all vehicles (N.S.W.) (Vic.)
- 165 failure of department to procure V8 engine sedans exclusively (N.S.W.)
- 166 failure of department to procure large buses for transport of police at demonstrations, etcetera (N.S.W.)
- 167 failure of department to ensure fittings for portable vehicle dome lights are adequate (Qld.)
- 168 failure of department to ensure design of cages on police vans is satisfactory (Qld.)
- 169 failure of department to ensure all police vehicles have laminated windscreens fitted (Qld.)
- 170 failure of department to ensure all police vehicles are fitted with bucket seats (Tas.) (W.A.)
- 171 failure of department to ensure all police vehicles are fitted with foglights (Tas.)
- 172 failure of department to ensure all security vans are fitted with large rear vision mirrors (W.A.)
- 173 failure of department to ensure all four wheel drive police vehicles in western districts are fitted with long range fuel tanks (N.S.W.)
- 174 failure of department to ensure two sets of keys are available in police vehicles when crews are 'two-up' (N.S.W.)

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- 175 failure of department to ensure all police vehicles are fitted with a siren (N.S.W.)
- 176 failure of department to ensure motor cycles do not have a wheel wobble (Qld.)
- 177 failure of department to discontinue procurement of underpowered Holden vehicles (N.S.W.)
-

178 failure of department to ensure supply of a twin engined aircraft (Qld.)

- 179 failure of department to ensure acceptable quality of vehicle radios (Vic.)
- 180 failure of department to fit all police vehicles with traffic light control mechanisms (Vic.)
- 181 failure of department to equip small country stations with ansafons (N.S.W.)
- 182 failure of department to fit all safety advisory section vehicles with radios (N.S.W.)
- 183 failure of department to equip all police stations with telexes (Qld.)
- 184 failure of department to ensure acceptable quality of personal portable radios (Qld.)
- 185 failure of department to equip all police vehicles with first aid kits (W.A.)
- 186 failure of department to equip all police vehicles with basic tool kits (N.S.W.)
- 187 failure of department to ensure acceptable telephones in operations room (N.S.W.)
-

- 188 failure of department to ensure standardisation of weapons (Vic.)
- 189 failure of department to devise acceptable method of firearm concealment (Tas.)
- 190 failure of department to issue all members with firearms (N.S.W.) (Tas.)

- 191 failure of department to formulate acceptable firearms issue policy (N.S.W.) (Vic.)
-
- 192 failure of department to ensure removalists pack and unpack all household effects (Vic.)
- 193 failure of department to ensure household effects are moved by road whenever possible (W.A.)
-
- 194 failure of government to introduce optional early retirement at age 55 years or after 30 years service (N.S.W.) (Qld.) (W.A.)
- 195 failure of government to revoke decision to link police and public service retirement conditions (N.S.W.)
- 196 failure of government to approve payment to retiring members of fares to their home town (W.A.)
- 197 failure of government to approve payment to retiring members of one week's pay for each year served in excess of 10 (Tas.)
- 198 failure of government to pay medical benefits of all police pensioners and widows (N.S.W.)
- 199 failure of government to make pension provision for unsuperannuated reservists (Vic.)
- 200 failure of government to permit full comminution of pension to retiring members (N.S.W.)
- 201 failure of government to permit comminution of sick leave credits to retiring members (Vic.)
-
- 202 failure of government to provide insurance or workers' compensation cover for private property in police vehicles and buildings (Vic.) (Qld.)
- 203 failure of government to insure members' furniture at true value when in transit (W.A.)
- 204 failure of police association to pay costs of members seeking workers' compensation (Vic.)

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- 205 failure of government to ensure workers' compensation covers diseases contracted on duty (Vic.)
- 206 failure of government to remove limit on workers' compensation claims in respect of private property (Vic.) (S.A.)
-
- 207 failure of government to permit police service board to backdate determinations (Vic.)
- 208 failure of government to agree to passes in the Police Arts and Sciences course being placed in police award (Qld.)
- 209 failure of government to reduce rents on police dwellings (W.A.) (Tas.)
- 210 failure of government to reduce costs of police dwellings (Vic.)
- 211 failure of Justice Department to ensure prompt payment of civil court costs (N.S.W.)
-
- 212 failure of government to permit special leave for members wishing to serve law office articles (Vic.)
- 213 failure of government to provide more satisfactory annual recreation leave provisions (N.S.W.) (Vic.) (W.A.)
- 214 failure of government to provide more satisfactory long service leave provisions (N.S.W.)
-
- 215 failure of government to permit payment of suspended members in full (Vic.)
- 216 failure of government to permit payment of rate for next rank up to members in receipt of incapacity benefit for more than five years (Qld.)
- 217 failure of government to remove limit on earnings of reservists with respect to reduction of pension (Vic.)
-
- 218 failure of government to provide equal movement costs for both single and married members (N.S.W.)
- 219 failure of government to pay penalty rates rather than a compensatory allowance (Vic.)

- 220 failure of government to pay overtime on the basis: 1.5 times in excess of eight hours, 2.0 times in excess of 16 hours (N.S.W.)
- 221 failure of government to pay all travelling allowance at capital city rates (N.S.W.)
- 222 failure of government to pay a heating allowance to members in cold districts (N.S.W.)
- 223 failure of government to pay telephone rental of country detectives and breathalyser operators (N.S.W.)
- 224 failure of government to pay specialist allowance to radio operators (N.S.W.)
- 225 failure of government to increase mileage allowance (N.S.W.) (Qld.)
- 226 failure of government to provide a compensating allowance to lock-up keepers' wives (N.S.W.)
- 227 failure of government to pay a tax free mileage allowance for use of private vehicles to and from work when public transport is not available (N.S.W.)
- 228 failure of government to increase clothing allowance for detectives in southern districts for purchase of cold weather clothing (N.S.W.)
- 229 failure of government to pay \$500 allowance to country detectives as compensation for call-outs (N.S.W.)
- 230 failure of government to ensure travelling allowance is not reduced after seven days (Qld.)
- 231 failure of government to declare a special holiday for police in respect of the Mount Isa rodeo (Qld.)
- 232 failure of department to pay entitled overtime (Qld.)
- 233 failure of government to pay overtime exclusively at double time (Qld.)
- 234 failure of government to increase allowance for use of private motor vehicle when proceeding on posting (Qld.)
- 235 failure of government to pay allowance for scenes of crime
- 236 failure of government to increase clothing allowance (Tas.)

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- 237 failure of government to increase relieving allowance (Tas.)
- 238 failure of government to pay allowances for dog handlers (Tas.)
- 239 failure of government to ensure following provisions as basic terms of service for all members: (1) 40 hrs. work per week, (2) 8 hrs. work per day, and (3) 2 rostered days off per week (Tas.)
- 240 failure of government to remove one person station allowance from police award (Tas.)
- 241 failure of government to increase weekend penalty rates (W.A.)
- 242 failure of government to increase furniture depreciation allowance (W.A.)
-
- 243 failure of government to reimburse stamp duty costs to members buying or selling houses pursuant to a posting order (Qld.)
- 244 failure of federal government to make costs of compulsory haircuts tax deductible (Vic.)
- 245 failure of government to reverse its decision to increase taxation on long service leave (N.S.W.)
-
- 246 failure of government to allocate more funding to police department (Qld.)
- 247 failure of government to allocate more funds for purchase of police dwellings (Vic.)
-
- 248 failure of department, in the event of a committee being formed to consider a chassis number index, to include a motor squad member would be unacceptable (N.S.W.)
- 249 failure of department to ensure members are informed of relevant changes in legislation (Vic.) (Tas.)
- 250 failure of department to ensure all station bulletins specify whether wanted persons are armed/dangerous (N.S.W.)
- 251 failure of senior officers and bush fire controllers to achieve satisfactory liaison (N.S.W.)

- 252 failure of department to standardise duties of one and two person stations (Qld.)
- 253 failure of department to permit police association officials to inspect working conditions of police in Department of Corrective Services institutions during gaol staff strikes (N.S.W.)
-
- 254 failure of department to ensure members do not patrol singly without personal portable radios (Vic.)
- 255 failure of department to ensure members do not work 'one-up' on night and late shift patrols (Vic.) (Tas.)
- 256 failure of department to ensure female members are excluded from 'two-up' crews (N.S.W.)
- 257 failure of department to ensure all patrols are 'two-up' at all times (N.S.W.) (W.A.)
-
- 258 failure of government to ensure private patrol services are prohibited (N.S.W.)
-
- 259 failure of forensic science laboratory to provide drug identification more promptly (Vic.)
- 260 failure of department to employ aerial photography to locate drug plots (N.S.W.)
-
- 261 failure of department to ensure prosecutors available at station level (Qld.)
- 262 failure of department to ensure No. 30 division are not employed at demonstration duty (N.S.W.)
- 263 failure of information bureau to respond to inquiries more promptly (Vic.)
- 264 failure of department to ensure police are not employed as process servers, bailiffs, cleaners, poppy inspectors, building inspectors, and all other extraneous duties (N.S.W.) (Vic.) (Qld.) (Tas.)
- 265 failure of department to ensure police are not employed in strike bound gaols (N.S.W.)

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- 266 failure of department to open police stations at specific locations (N.S.W.)
- 267 failure of Department of Corrective Services to prevent escapes generally (N.S.W.)
-

- 268 failure of department to exclude non-police personnel (excluding specific categories) attendance at Detective Training School (N.S.W.)
- 269 failure of department to ensure personnel attending police training courses are not required study in their spare time (Qld.) (Tas.)
- 270 failure of department to pay gymnasium fees for out-station personnel (Vic.)
- 271 failure of department to include divisional vans on driver training course curriculum (Vic.)
- 272 failure of department to improve quality of cadet training (Vic.)
- 273 failure of department to improve firearms training in specific districts (Vic.)
- 274 failure of department to better publicise role of induction officers (N.S.W.)
- 275 failure of department to provide self-defence training on all in-service courses (N.S.W.)
- 276 failure of department to ensure members over 40 years old are not rated on physical ability (Tas.)
- 277 failure of department to ensure personnel selected to attend courses are provided acceptable advance warning (Tas.)
- 278 failure of department to produce an annual study guide in January each year (Tas.)
- 279 failure of department to ensure members over 40 years old do not perform physical exercises when attending training courses (Tas.)
-
- 280 failure of department to discontinue hourly vehicle radio checks in northern area (Tas.)
- 281 failure of police administration to discontinue collection of information concerning police operations (N.S.W.)

-
- 282 failure of dry cleaners to store police uniforms away from public view (Tas.)
- 283 failure of department to ensure all police stations are secure (N.S.W.)
-
- 284 failure of media to impartially cover police affairs generally (N.S.W.) (Vic.)
- 285 failure of a newspaper to observe normal conventions concerning private address of persons charged with an offence (N.S.W.)
- 286 failure of department and police association to support Criminal Investigation Branch squads in the face of media criticism (N.S.W.)
- 287 failure of police association to report specific instance of media criticism of police to Australian Journalists' Association (N.S.W.)
-
- 288 failure of certain state parliamentarians to comment responsibly on police affairs (Qld.)
- 289 failure of police association to publicise offences committed by habitual offenders when on bail (Tas.)
- 290 failure of police association to inform individual state parliamentarians concerning shortage of funds for police recruiting and training (Vic.)
- 291 failure of police association to inform media of police personnel shortages generally (Vic.)
- 292 failure of department to correctly state the proportion of members on night duty (Vic.)
- 293 failure of police association to protest the unsatisfactory nature of the Australian Labor Party's legal action policy (Tas.)
-
- 294 failure of courts to provide greater notice of required attendance when issuing civil subpoenas (Vic.)
- 295 failure of department to discontinue accepting civil subpoenas on behalf of members (N.S.W.)

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- 296 failure of Aboriginal and Torres Straits Islanders' legal service to operate in an acceptable manner (Qld.)
- 297 failure of federal government to let Criminal Investigation Bill lapse (Qld.)
- 298 failure of government to restrict jury lists to those between 18 and 65 years (N.S.W.)
- 299 failure of government to amend *Crimes Act* so as to authorise police to hold suspects for 24 hours without laying a charge (N.S.W.)
- 300 failure of government to prevent the operation of the select committee on crime control (N.S.W.)
- 301 failure of department to prevent commercial use of Highway Patrol emblem (N.S.W.)
-

Annex L

PROPOSED CONSTITUTION OF THE FEDERATED COUNCIL OF AUSTRALIAN POLICE ASSOCIATIONS

We the under-mentioned delegates to the Interstate Conference of Police Associations hereby certify that the attached pages are a true copy of the constitutions [sic] drawn up by the said delegation:

(Signed)

Jas. T. Moylan (Chairman)	[PANSW]
J.F. Naylor	[PASA]
H.P. Talty	[PUQ]
J.H. McDonald	[PAWA]
A.E. Pye	[PANSW]
J.M. Denham	[PAV]

NAME

1. That this body be known as the Federated Council of Australian Police Associations.

CONSTITUTION

2. That the Council be represented by one representative from each State of the Commonwealth. The officers in such Council shall consist of a President and a Secretary, the latter also being Treasurer.

OBJECTS

3. That the objects of this Council shall be:
 - (a) To promote esprit de corps and good-fellowship amongst its members.
 - (b) To uphold the right of combination of police, and to improve, protect and foster the best interests of its members.
 - (c) To take all necessary steps for the protection and safety of the members in the course of their occupations.

- (d) To take steps if found necessary to bring any grievance concerning conditions of service before a State or Commonwealth Arbitration Court.
 - (e) To promote efficiency and facilitate the elucidation of crime and apprehension of criminals, and endeavour to obtain a consolidation of the Criminal Law throughout Australia.
4. That the Council meet annually at such place as shall be specified at the previous annual meeting. The first annual meeting shall be held at Melbourne.
 5. That the annual meetings shall be held in the capital city of the respective States in succession.
 6. Should any matter of grave importance affecting the welfare of the Association in any State be submitted for consideration, a special meeting of the Council may be convened on the requisition signed by the councillors of at least three States; such requisition be endorsed by the executive of their respective Associations.
 7. That a Council Fund shall be established and sustained by a levy of one shilling per annum per member of the Associations in the respective States; and such Fund shall be termed the Federated Council Fund, and shall be under the control of such Council, and vested in the President and Treasurer, who shall have power to operate on such Fund.
 8. That all expenditure incurred by the Council shall be paid by the Council Fund.
 9. That first-class travelling and an allowance of 25 shillings per day be allowed councillors while engaged on Council business.
 10. That each State Association shall pay annually into the Fund of the Council their quota as provided for in Rule 7.
 11. That the Council shall have power to frame additional rules and regulations as may be considered necessary for the governing thereof.
 12. At the conclusion of the business of the Council meeting the minutes shall be read by the chairman, and if found correct the minute book shall be signed by each councillor.

Annex M

RULES OF THE AUSTRALIAN FEDERATION OF POLICE ASSOCIATIONS AND UNIONS (1974)

1. *Name.*

The name of the Federation shall be the Australian Federation of Police Associations and Unions, hereinafter referred to as the Federation.

2. *Objects.*

- (a) To promote the interests of the Federation.
- (b) To hold interstate conferences to afford the full discussion of matters relating to the Federation.
- (c) To secure and obtain for its members the best possible conditions, and to guard them against any hardship or injustice arising in the course of their employment.
- (d) To secure preference for members of affiliated branches.
- (e) To make financial provision, and to create funds for the carrying out of these objects.
- (f) To obtain registration of the Federation under the Commonwealth Industrial Court at a convenient date.

3. *Membership.*

- (a) The constituent branches of the Federation shall be those organisations of Police Associations and Unions within the Commonwealth of Australia which shall affiliate with the Federation and pay such fees as may be decided upon from time to time.
- (b) A constituent branch may withdraw from the Federation by giving one month's notice in writing and paying all fees due at the date of withdrawal.

4. *Management.*

- (a) The Federation shall be controlled by a Council which shall consist of two elected delegates from each branch and Secretaries may be appointed as such.

The President of the Council shall be appointed by Council from among the delegates and two Vice-Presidents shall also be appointed in a similar way.

(b) The number of votes from each Branch shall be in accordance with its affiliated membership and on a basis of one vote for each thousand membership or part thereof, with a minimum of two votes for each State.

(c) The Secretary-Treasurer shall not exercise a vote at such meetings of Council unless he is also a delegate.

(d) The Council shall meet biennially at such time and place as it shall determine at its immediately preceding meeting. Its venue may, however, be changed by consultation between Councillors from time to time.

Special Meetings

The Secretary-Treasurer shall summon a special meeting of the Council upon a written request signed by the Secretaries of the majority of constituent Branches. A majority of the delegates of constituent branches shall constitute a quorum, but no decision of such special meeting shall be valid unless supported by a majority of votes of constituent organisations on the basis specified in Clause (4)(b).

Not less than fourteen (14) days' notice shall be given of the date of any special meeting of Council.

The Secretary-Treasurer shall notify branches of the business to be transacted at any special meeting of the Council, but no business other than the business so notified shall be dealt with at such meeting.

5. Officers.

The management of the Federation shall be vested in the Executive.

The Executive shall consist of seven members, one representative from each State, inclusive of the President, who shall be deemed to be the representative of his State.

The Officers shall be elected by and from the delegates at Conference.

The Secretary-Treasurer shall be elected in the same manner as the President by each successive Conference.

The office of any member of the Executive shall be vacated:

(a) If he ceases to be a member of his Union or leaves the Police Service to which he was attached for any reason whatsoever;

(b) If he leaves office by giving notice in writing;

(c) By death or becoming of insane mind; and/or

(d) In the event of a vacancy occurring in the position of a member of the Executive the State concerned by the vacancy shall elect a successor.

Powers and Duties of Officers

The President shall preside at all meetings of the Council; in his absence the Council shall elect one of its Vice-Presidents to act as Chairman of such meeting. In their absence, a Chairman to be elected.

The Chairman may exercise a casting vote in addition to his ordinary vote.

The Executive shall be responsible for giving effect to the policy of the Federation, and a quorum shall be the majority of the States.

Secretary-Treasurer

(a) The Secretary-Treasurer shall be appointed biennially, and may be dismissed by the Federal Council or Executive.

(b) The Secretary-Treasurer shall exercise and perform such powers, duties and functions as are conferred or imposed upon him by these rules and such further powers, duties and functions pertaining to the secretarial office (but not inconsistent with these Rules) as may be conferred or imposed upon him from time to time by the Council or Executive.

(c) The Secretary-Treasurer shall:

(1) attend all meetings of the Council and keep accurate minutes of its proceedings;

(2) conduct correspondence of the Federation and issue notices to members;

(3) keep all documents, books, vouchers, and papers belonging to the Federation pertaining to his special office;

(4) submit to the Federal Council any correspondence or information he may officially receive;

(5) produce for inspection and deliver up all books, documents and property belonging to the Federation in his possession or control whenever required to do so by the President or by a resolution of the Council;

(6) receive all moneys payable to the Federation and pay same into the Federation's bank to the credit of the Federation within seven (7) days after receipt;

(7) draw up reports and balance sheets to be submitted to the Council and submit books and accounts to be audited at least annually; and/or

(8) produce and hand over all documents and other property belonging to the Federation whenever required to do so upon the written direction of the President or by a resolution of the Council or Executive.

6. *Powers and Duties of Council.*

(a) The Council shall have power in accordance with the Constitution to do all such things as it may consider advisable for carrying out the objects and purposes of the Federation.

(b) The Council shall administer the affairs of the Federation for the general benefit of members and shall consider and deal with all matters submitted to it by the State branches or any one of them, but no action shall be taken in any matter in opposition to the expressed wish of a majority of the branches.

(c) The expenses of delegates and officers to biennial and/or special meetings of the Council shall be defrayed from the funds of the Federation.

(d) The Council shall have power to appoint, suspend or dispense with the services of the Secretary-Treasurer and Auditor. It shall, at its biennial meeting, determine the amount of remuneration to be paid to the Secretary-Treasurer and the Auditor.

(e) The Council shall determine the amount of travelling expenses to be paid to delegates attending meetings of the Council.

7. *Finance.*

(1) The annual maximum contribution payable by the constituent branches of the Federation shall be the sum of 1/- for each full member of the branch or such lesser sum as may be decided by the Federal Council at its biennial meeting. Provided however that a fixed amount of not more than 5c may be charged as annual contribution from any branch.

(2) Each branch shall forward to the Secretary-Treasurer the amount payable as annual subscriptions to the Federation.

(3) Annual subscriptions shall be due and paid on or before July 31 of each year.

(4) Financial membership of each branch shall be deemed to be its financial membership as at the end of the financial year of the branch preceding July 31.

(5) The financial year of the Federation shall end on December 31 in each year or on such date as shall be decided by the Council of the Federation.

(6) All accounts shall be paid by cheque signed by the Secretary-Treasurer and by either the President or one of the Vice-Presidents; no account shall be paid until certified as correct by the Secretary-Treasurer.

(7) The books and accounts shall be balanced and audited at least annually and the Secretary-Treasurer shall hand over all documents, books and other property belonging to the Federation in his possession or

control whenever required so to do by the President or by resolution of the Council.

8. *Funds of the Branches.*

No control over the separate funds or assets of any branch shall be vested in the Federation.

9. *Auditors.*

(a) The Council shall appoint a qualified accountant whose duty shall be to examine the books and vouchers of the Federation and supply an annual report.

(b) The auditor shall audit all accounts and shall demand receipts and vouchers for every item of expenditure and for all moneys deposited or invested. He shall submit and deliver a true and accurate report of the financial condition of the Federation showing receipts, expenditure, assets and liabilities of the Federation.

10. *Registered Office.*

The registered office of the Federation shall be at O'Brien House, 56 Young Street, Sydney, or at such place as shall be appointed by the Council. Notice of any change in the registered office shall be given immediately to the constituent branches.

11. *Alteration of Rules.*

These Rules may be rescinded, altered, added to or amended only by a resolution carried by a majority of the Federal Council. Provided that:

(a) Any such rescission, alteration or amendment has been recommended by affiliated branches at least one month prior to the decision on and after consideration of same by the Federal Council.

(b) Provided, however, that these Rules or any of them may be rescinded or amended on a motion without notice which may be adopted at any conference of the Federation by a two-thirds majority of the members present thereat who are entitled to vote.

Annex N

OBJECTIVES STATEMENT OF POLICE FEDERATION

1. To promote the interests of the Federation and its member Associations and Unions.
2. To hold conferences, seminars, lectures, discussion groups or other like gatherings in order to further the interchange of ideas, information and knowledge relating to matters of interest to the Federation and its member Associations and Unions.
3. To secure throughout the Commonwealth of Australia and New Zealand, by conciliation, arbitration and negotiation without resort to direct industrial action or other methods which might be in restraint of trade, the best possible conditions of employment for police employed by the Crown and to safeguard such persons from hardship or injustice arising out of or in the course of their employment.
4. To secure throughout the Commonwealth of Australia and New Zealand preference of employment in the various police forces for those who are members of Associations or Unions which form part of the Federation.
5. To accumulate, create and acquire funds, property (real and personal) and interests as are deemed necessary by the Federation for the carrying out of those objects and to use, sell or dispose of such monies, properties and interests to the same end.
6. To obtain registration in so far as the members of the Commonwealth of Australia are concerned, of the Federation as an organisation pursuant to the provisions of the *Commonwealth Conciliation and Arbitration Act, 1902*. as amended at such time as may be deemed convenient.

Extracted from: *Rules, Police Federation of Australia and New Zealand*, p. 1, rule 3.

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