



# MEMBER UPDATE

## AFPA Industrial Dispatch #29 5 June 2018

Welcome to edition 29 of the AFPA Industrial Dispatch, a regular bulletin from the Legal and Industrial Team to keep our members up to date with significant industrial issues.

### CURRENT SIGNIFICANT ISSUES

#### Non-AFP investigators in Professional Standards (PRS)

We are advised by the AFP that PRS has engaged a number of external investigators as a 'surge capacity'. This is due to complaints (including, for at least the last 2 years, by the AFPA) about the length of investigations and the impact that delays have on our members.

We are advised that:

“The current process has involved the identification of 10 matters for investigation by appropriately qualified external investigators and we expect the investigations to be undertaken and completed over the next few months.”

These external investigators include lawyers. Their investigative experience is not known.

The AFPA's preferred response to this issue is that PRS received more staff, as it is not clear how a surge capacity will address the apparently increasing workloads in PRS.

If you would like to discuss any PRS issues, please contact the Legal and Industrial Team.

#### VRN 0391/17 Sergeants/Team Leaders recruitment – appeal process update

A number of members raised concerns about the outcome of the appeals process. We were advised by the AFP that the delegate received 23 appeals against the ISAP process, including the one from the AFPA on behalf of approximately 40 members. While the AFPA's appeal failed for the reasons set out to members in the Industrial Dispatch dated 1 May 2018, a number of the others (we were advised 11) were apparently successful. The AFPA had no visibility over those.

We were however advised that a selection panel was re-formed to assess the applications of those who made a successful appeal and determine if they would have made it to the Assessment Centre if their applications not been discounted initially. The Panel determined that some of those would have made it through and an Assessment Centre was convened for them.

This will have no impact on those members who have already been found suitable prior to the appeals being lodged.

We understand that the process is complete and members will be advised of the outcomes.

## **Maternity leave not counting as service – Federal Court application**

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The AFPA, on behalf of a member, has recently commenced proceedings against the AFP in the Federal Court in relation to all periods of paid maternity leave counting as service for all purposes, including advancement.

Under the *AFP Enterprise Agreement 2012 – 2016*, and the new *AFP Enterprise Agreement 2017 – 2020*, an employee may spread the 16 weeks of paid maternity leave over a maximum of 32 weeks. Both the old and new enterprise agreement state that any paid maternity leave taken beyond 16 weeks does not count as service for any purpose, including advancement.

This, of course, has a significant impact on sworn officers whose advancement is tied to length of service with the AFP.

The AFPA is seeking declarations from the Federal Court that any paid maternity leave, whether at full pay or half-pay, should be recognised as service for all purposes and that, as it currently stands, the enterprise agreements are inconsistent with the *Maternity Leave Act*.

If you are a member who has taken their paid maternity leave over a period greater than 16 weeks, please contact Matt Peterson at [matthew.peterson@afpa.org.au](mailto:matthew.peterson@afpa.org.au) to discuss how these proceedings may impact on you.

### **INDUSTRIAL QUERIES**

If you have any industrial queries or queries about issues raised in this Dispatch, please contact Sharon, Anish, Matt or Sam at [afpa@afpa.org.au](mailto:afpa@afpa.org.au) or call us on (02) 6285 1677.



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