



MEMBER UPDATE

AFPA Industrial Dispatch #38 12 December 2018

Welcome to edition 38 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

Operations Working Pattern – Hours in debit at the end of the Averaging Period

Members assigned to the Operations Working Pattern are required to work an average of 40 hours per week over a three-month averaging period. In situations where a member has less approved hours at the end of an averaging period than required, there are generally two options a member can elect to take:

- 1) Members can use appropriate leave entitlements to “pay down” the hours in debit; or
- 2) If a member has insufficient leave or does not wish to use their leave entitlements, the hours in debit will automatically carry over to the next averaging period. This means the debit amount will be added to their expected hours in the next averaging period. For example, if a member was two hours in debit at the end of the September – November averaging period, the member will be expected to make up those two hours in the December – February period.

While this rule is not specifically stated in the *AFP Enterprise Agreement 2017-2020*, it is detailed in the *Better Practice Guide on AFP Working Patterns*.

Members are excepted from this rule in instances where their hours debit is solely due to being placed on rest days to accumulate hours for an anticipated high-tempo event or operation that did not occur. In these instances, members are not to be penalised, and hours in debit should be recorded as stand-down.

Executive Level Enterprise Agreement – PDA compliance

Executive Level Enterprise Agreement bargaining is drawing to a conclusion. The Australian Public Service Commission have approved the proposed agreement and the AFP are currently working towards initiating the seven-day Access Period during which, eligible members will be invited to examine the proposed agreement in detail before voting.

In the meantime, it is important for all Executive Level employees to ensure they are complying with the PDA framework in anticipation of meeting their obligations under the new ELEA.

Christmas parties

As the holiday season approaches, workplaces will doubtlessly be participating in Christmas parties to celebrate the passing of another year. While these parties are a great way to unwind and connect with colleagues, it is important to remember that the *AFP Code of Conduct* still applies.

In the AFPA's experience, there is generally an increase in Professional Standards matters arising from incidents at workplace Christmas parties. As such, it is in members' best interests to respect one another, drink alcohol responsibly, organise designated drivers or other forms of transport, and avoid any behaviour which could "bring the AFP into disrepute".

National Redress Scheme

Following the findings of the Royal Commission into Institutional Abuse, the Federal Government set up a National Redress Scheme to compensate survivors of child sexual abuse, suffered at the hands of Government or religious institutions. This Scheme became operational on 1 July 2018.

The Scheme can provide victims with a payment of up to \$150,000, access to counselling and psychological assistance, and an apology or response from the institution responsible for the abuse.

It is important to note that accepting an offer of redress will preclude victims from making any further claim against the Government. Therefore, it is important for survivors to seek legal advice before seeking redress, to clarify whether their circumstances warrant pursuing common law damages.

Law firm, Maurice Blackburn are offering AFPA members a free first consultation to those affected by childhood sexual abuse. If you would like to set up an appointment with a lawyer to discuss, you can call Maurice Blackburn on 1800 309 443.

For your information a factsheet can be found at the bottom of this dispatch.

AFPA Christmas Shut-down

Please note, the AFPA will be closing for the Christmas break at 12:00pm AEDT on Friday 21 December. We will re-open on Wednesday 2 January at 8:30am AEDT. For urgent assistance during this time, please phone 02 6285 1677 and follow the prompts.

From all staff and Executive at the AFPA, we hope you have a merry Christmas, happy holidays, and a joyous start to the New Year.

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 or call us on (02) 6285 1677.



Australian Federal Police Association

Level 3/53 Blackall Street, Barton ACT 2600, PO BOX 4576, Kingston ACT 2604

p (02) 6285 1677 | **f** (02) 6285 2090 | **e** afpa@afpa.org.au

www.afpa.org.au

The National Redress Scheme

The National Redress Scheme begins on 1 July 2018. This factsheet answers commonly asked questions when considering if applying for redress is right for you.

What is the "redress scheme"?

The scheme is a way for survivors of institutional abuse to access compensation without having to start a legal claim. It is an alternative to a common law claim. You should seek legal advice to see which option is best for you.

What can I be compensated for?

The scheme provides eligible victims with:

- 1 A payment of up to \$150,000.00;
- 2 Access to counselling and psychological assistance; and
- 3 An apology or response from the institution responsible for the abuse.

Am I eligible to apply for redress?

To apply for redress, you must have:

- 1 Been sexually abused before 1 July 2018;
- 2 Be over 18 or turn 18 before 30 June 2028;
- 3 Be an Australian citizen or permanent resident;
- 4 Experienced abuse from a participating institution; and
- 5 Apply between 1 July 2018 and 30 June 2027.

If you are under 18, have been sentenced to prison for five years or more or are currently in prison, you will be assessed differently.

You can only make one application for redress. It is important you provide information about all institutions that abused you in your application.

What institutions are participating?

All government institutions are participating in the scheme. Selected private institutions have also decided to participate in the scheme. Currently, the Catholic Church, the Anglican Church, the Salvation Army, YMCA, Scouts Australia and the Uniting Church have joined the scheme. More institutions may join in the future.

What if I was sexually abused from a non-participating institution?

You cannot apply for redress. The institution might participate in the scheme in the future.

You may be eligible for compensation by pursuing a common law claim. We recommend you seek legal advice to see if this applies to you.

I cannot remember all the details surrounding my abuse. Can I still apply?

Yes. The evidence needed for a successful redress application is less than the standard expected by a court.

I was not sexually abused, but I was physically abused. Can I apply?

No. However, you should seek legal advice to see if you have a common law claim for compensation.

If you were both sexually and physically abused, the physical abuse is considered in your redress application when calculating how much money you might be entitled to.

Are there consequences for accepting redress?

Yes. Accepting redress requires you to release the institution(s) from all future legal action relating to the sexual abuse. You should seek legal advice before accepting an offer of redress.

What is the difference between the scheme and a common law claim?

The money awarded under the scheme is capped. In a common law claim, the money award is not capped. A common law claim could compensate you for an inability to work, medical expenses such as counselling and medication, as well as your pain and suffering in some states.

Each individual case is different. You should seek legal advice to determine what claim is right for you.

I have accepted compensation in the past for sexual abuse. Can I apply for redress?

Yes. Your past compensation is taken into account, and you may not receive a financial payment as a result. You will still be eligible to access counselling and receive an apology or response from the relevant institution(s).

How and when can I apply for redress?

You can apply from 1 July 2018.

To apply, you need to submit an application form, available online from the Department of Human Services at www.nationalredress.gov.au. Call the Department on 1800 737 377 if you need a form posted to you.

How can I get legal advice?

Call us on 1800 309 443 to set up an appointment with a lawyer.

For a full list of office locations call us or visit our website

☎ 1800 810 812

🌐 mauriceblackburn.com.au

