



# MEMBER UPDATE

## AFPA Industrial Dispatch #40 5 February 2019

Welcome to edition 40 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

#### Unauthorised Information Access

AFP Professional Standards has advised the AFPA that in recent months, they have noticed a rise in complaints relating to unauthorised access of information on AFP systems. Prima facie, unauthorised access is a category 3 breach of the Code of Conduct. If established, a category 3 breach could lead to various management action, including termination of employment.

Starting in March 2019, PRS has advised that they will focus their attention on allegations of unauthorised access.

We take this opportunity to remind members to only access information on AFP systems if it directly relates to their official duties.

Please contact the Team if you would like more information or if you are the subject of a PRS investigation.

#### Unauthorised recovery of overpayments

We have been made aware of instances where the AFP have deducted an overpayment from members' pay without first notifying or seeking the agreement of the affected member.

The AFP are not authorised to directly deduct any money from an appointee's pay without obtaining approval from the appointee. Section 18.4 of the *AFP Commissioner's Financial Instructions* states:

*"The following Information is to be given to the debtor in writing:*

- a) amount owing to the Commonwealth;*
- b) date or dates when payment is due;*
- c) interest rate (if any);*
- d) any other matter the delegate considers relevant, taking into account the evidence of hardship;*
- e) conditions of acceptance by the debtor; and*
- f) a requirement for the debtor to confirm, in writing, acceptance of the above matters."*

If a member refuses to repay the debt following the issuance of an overpayment notice, the AFP then have the authority to commence a formal debt recovery process. However, this can only begin once the member has been informed of the debt and importantly, it cannot be deducted from members' pay without your permission.

If you are experiencing issues with an overpayment, please do not hesitate to contact the Team.

## **Early Access Program**

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The AFPA encourages members to take advantage of the AFP's Early Access Program. The Program enables AFP employees to access treatment and support for work related illness and injury.

Treatment options available through the Early Access Program include, but are not limited to:

- up to 3 x GP consultations;
- up to 6 x treatment sessions (i.e. physiotherapy, massage, chiropractic);
- up to 6 x psychological sessions with a registered practitioner; and
- up to 2 x scans (i.e. ultrasound, MRI, x-ray).

In addition, the Injury Management Team advised that:

- The choice of GP is at the discretion of the employee;
- Specialist treatment sessions can be covered as recommended by the GP;
- The choice of registered psychological practitioner is at the discretion of the employee, and as recommended by the GP.

To receive reimbursement for treatment, members are required to:

- Complete a workplace incident form;
- Complete a Request for Reimbursement form;
- Provide a valid medical certificate and receipt from treatment; and
- Submit documentation to the Injury Management Team.

For further information on the Early Access Program, members can access the *Better Practice Guide on Early Access* on the Hub, or alternatively contact AFP Injury Management.

## **Secondary employment**

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If you are engaged in any paid or unpaid work independent of your duties with the AFP, you are required to submit a Secondary Employment Application. This can sometimes include activities not traditionally considered 'secondary employment'.

For example, did you know that if you do not have secondary employment approval to help out at your child's basketball training on Wednesday nights, even if it's just to lend an informal helping hand to the coach or manager, the AFP may allege you have breached the Code of Conduct? True story folks.

If you are unsure whether your extracurricular activities require authorisation for secondary employment, please do not hesitate to contact the Team for confidential advice.

## **Mandatory Rest Days - REMINDER**

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Members are due to be credited two Mandatory Rest Days on 1 March, as per section 40 of EA2017. To ensure you are eligible for the MRDs, you are required to:

1. Reduce your Annual Leave balance to less than 228 hours; and
2. Use the two MRDs you received in September **prior to 1 March**.

If you are unable to meet these requirements, you can submit a minute through your chain of command explaining why you have been unable to reduce your balance or use your MRDs. If you require assistance, please do not hesitate to get in touch.

## 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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