

Single Determination: Steering Committee Meeting 6 May 2013

Minutes of Meeting

Attendance:

Leanne Close (NMHR)
Mandy Newton (NMIDG)
Ian McCartney (A/NMSOC)
Paul Williams (MHRS)
Richard Roberts (A/MBS)
Bruce Hill (MOM)
Greg Harrigan (MSRG)
Alan Scott (MAPSOC)
s 47E(c) (HRS)
Paul Curtis (International)
s 47E(c) (Tax)
s 47E(c) Tax)
s 47E(c) (Finance)
s 47E(c) (SAP)
s 47E(c) (HRS)
s 47E(c) (HRS)

Apologies:

s 47E(c)
s 47E(c)

Meeting opened at 10:30am

Agenda Item #	Topic	Discussion	Action
1	Welcome	NMHR (NMHR) opened the meeting by thanking everyone for attending. She addressed the meeting by providing some background information including:	Action Item 1.1 HRS and SAP to speak with Pay team in relation to the 21 May 2013 date supplied to IDG HR.

		<ul style="list-style-type: none"> • In December 2012 the SLG endorsed the Single Determination; • The Determination was initially drafted by Analytics Consultancy Group, however has been rewritten; • This meeting is to resolve process issues and once these have been resolved the Determination the consultation process would commence; • HR is currently waiting for some scenarios which are being provided by another consultancy agency; • It is still the hope that this Determination will be effective at 1 July 2013; • Systems have indicated that they are able to facilitate this for a 1 July 2013 commencement • NMHR indicated that she did not wish to delay the implementation. <p>NMIDG expressed concerns that pay team had advised HR staff that there may be an issue with the commencement date. Pay team had indicated that they required information by 21 May 2013 in order to finalise payments.</p> <p>NMIDG also indicated there may be issues if there were no Tax ruling prior to the commencement of the Determination.</p> <p>Tax advised there would not have ATO advice back until the Determination is finalised, however they feel that the risk is low in relation to a change in the ruling.</p>	<p>Action Item 1.2 Tax will provide information to employees to enable them to make a decision regarding the Tax Ruling.</p> <p>Action Item 1.3 Tax to provide talking points regarding the Tax Ruling.</p>
2	Deployments under 21 days	NMIDG advised that IDG wished there be a discretion given to the Delegate in relation to deployments under	<p>Action Item 2.1 HRS will amend the Determination to include words</p>

		21 days being subject to the Terms and Conditions of the Single Determination.	regarding the discretion of the delegate that these terms and conditions apply under the 21 days.
3 & 4	Annual Leave Fares / Reunion Fares	<p>NMIDG indicated that IDG required that appointments leave mission during their period of annual leave when deployed overseas.</p> <p>It was agreed by the Meeting that IDG would include a stipulation in Commander's Orders that deployed appointees were to leave country during periods of annual leave.</p> <p>Discussion occurred around the inclusion of a third type of fare – Respite Leave Allowance. Reunion would apply where a member is in a location where their family has not joined them, whereas Respite leave allowance would apply where your family cannot come with you.</p> <p>Due to the nature of IDG missions, NMIDG also wished to include the wording 'payable with each 6 month deployment' for reunion and respite allowance with an additional stipulation that it be at the discretion of the delegate as to whether these will apply for appointees assigned under 6 months.</p> <p>NMHR confirmed that the reunion fares dollar figure was agreed to by the SLG and is unable to be changed.</p> <p>These were agreed to by the meeting.</p>	<p>Action Item 3.1 With the exception of any location mentioned in Schedule 3, each appointee deployed for a period of 12 months will be entitled to 1 annual leave fare. This is to be added into the Determination by HRS.</p> <p>Action Item 3.2 HRS to include wording in relation to Reunion and Respite Allowances into the Determination.</p> <p>Action Item 3.3 IDG to provide a figure to HRS in relation to Respite Allowance for inclusion into the Determination.</p> <p>Action Item 3.4 IDG to provide words regarding annual leave fares.</p>
5	Miscellaneous Leave	NMIDG indicated that the concern of IDG was those members who contract illnesses such as 'dengue' and have to be returned to Australia. If they were to revert to the provisions of the EA, there would be a break in their	<p>Action Item 5.1 Add the words 'case by case' into the special circumstances section and re-word that all special circumstances may not be written into schedule 3 as they</p>

		foreign service which would impact upon their tax status.	are individually based.
6	COLA	It was agreed by the Committee that those who were obtaining food and accommodation, or who received an allowance for both food and accommodation would be excluded from the COLA payment.	Action Item 6.1 HRS to include the wording that excludes those who receive food and accommodation or an allowance for food and accommodation into the COLA section.
7	Delegations	It was agreed by the Committee that not all Delegations would fall to NMHR. Although NMHR would be responsible for the Determination and any amendments to be made to that Determination, the administration would be the responsibility of the functional areas. It was agreed that the special circumstances clause would remain with NMHR.	Action Item 7.1 HRS to change the wording NMHR to Delegate and provide NMIDG a copy of the draft schedule of delegations which has been developed for this Determination.
8	Flexibility Allowance	The Committee decided that the name 'Flexibility' would be maintained and that the percentage would also be maintained.	Action Item 8.1 HRS to change the name of this allowance back to Flexibility and add wording around additional hours.
9	Field Allowance	The Committee agreed that the eligibility for field allowance would be changed to share sleeping arrangements of 2 or more to a room and where there are no individual washrooms.	Action Item 9.1 HRS to make amendments to Schedule 1 to include this change.
10	Schedule 3	It is agreed that this schedule will be reviewed regularly and therefore the wording needs to be amended to reflect this.	Action Item 10.1 South Sudan to be included in Schedule 3. IDG to identify any further inclusions they may require to be considered for inclusion. IDG to provide wording in relation South Sudan.
11	Other Business	<u>Tax Exemption Definition</u> IDG requested that this definition be looked at further.	Action Item 11.1 Tax to review Tax Exemption Definition and make any

		<p><u>SRG Deployment Allowance</u> The \$10k SRG allowance is not included in the Det.</p> <p><u>Leave Entitlement Accrual</u> The Committee asked why leave entitlements were being accrued fortnightly rather than daily as is currently the case in IDG.</p> <p><u>Encashment of Leave</u> Concerns were raised over the delegation of this particular section.</p> <p><u>Overseas Annual Leave</u> IDG advised that CTO should not count.</p> <p><u>Marketing / Communications</u> NMHR advised that the Marketing/Communications plan will be sent to both International and IDG as soon as possible.</p> <p><u>Definition of dependant</u> International asked that the definition of dependant be amended to 'is less than 21 years of age' to read '18 and undertaking education'. The Committee agreed to this change.</p> <p><u>Class of Travel</u> The Committee agreed that, with the exception of travel at the commencement and conclusion of the Appointee's assignment, travel be economy regardless of Band level.</p>	<p>amendments necessary.</p> <p>Action Item 11.2 HRS to include \$10k into a 40H(2) Determination if the REM Committee approves the continuation of the allowance. HRS to seek assistance from legal is drafting the 40H(2).</p> <p>Action Item 11.3 Andrew Baird to speak with systems administration to determine whether leave can be accrued on a daily basis.</p> <p>Action Item 11.4 HRS to change NMHR to 'the Delegate' in the Determination in section 2.2.1.</p> <p>Action Item 11.5 HRS to amend wording of section 2.2.2</p> <p>Action Item 11.6 HRS to make amendments to the definition of 'Dependant'.</p> <p>Action Item 11.7 HRS to ensure that travel is identified as Economy with the exception of travel in s.2.4.1.</p> <p>Action Item 11.8 HRS to amend s 2.3 to make periods of ADRSL not eligible for allowances under the Determination.</p>
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		<u>Defence Leave</u> The Committee agreed that eligibility of allowances not apply to Appointees who are on Defence Leave.	
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Meeting Closed at 12:45pm

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Single Determination Meeting

4 March 2013

Attendees: Paul Williams (MHRS), s 47E(c) (HR), Paul Curtis (International), s 47E(c) (International), s 47E(c) (Pay Team), s 47E(c) (SAP), s 47E(c) (SAP) s 47E(c) (Tax), s 47E(c) (Tax), s 47E(c) (IDG), s 47E(c) (IDG) s 47E(c) (IDG), s 47E(c) (ER), s 47E(c) (ER), s 47E(c) (Analytics).

Apologies: s 47E(c) (IDG)

Opened: 1200

s 47E(c)

- Gave the meeting background in relation to the Single Determination. The recommendations of Analytics went to SLG in December 2012 and was returned with a request for more information in relation to grandfathering. On 21 December 2012 the additional information was provided to SLG and after deliberation was returned to the HR team approximately 1 week before this meeting.
- It was still intended that the implementation date would be 1 July 2013

s 47E(c)

- Require specifics from this meeting and will brief ICT. ICT will then deliver a time table. At this stage ICT are indicating they are unable to deliver by the 1st July 2013.

s 47E(c)

- Went into specifics of the allowances in accordance with the detail of attachment A to these minutes.
- Base salary will apply in accordance with the role won at the overseas location
- Members will incrementally advance as they would in country (broad banding will apply)
- Flexibility allowance of 25% is agreed to by the Commissioner (the intent is to break the nexus of the 22% composite on shore)
- This det will apply to all employees up to and including SES

PC:

- Enquired about 'grossing up' of allowances. Grossing up will apply where the overseas location is not tax free.

s 47E(c)

- If grossed up and you get a ruling from the tax office, it must be declared. The det will be risk managed and apply prior to a tax ruling is made by ATO

s 47E(c)

- Issues re 'grossing up' are:

- How does pay team know if grossing up is applicable
- How will it be done
- Is it a % or is it a \$ value – it can't both be done
- Can it be hard coded
- When/who/where do pay team gross up
- Just to clarify the grossing up will occur when the location is not tax exempt
- Why are we grossing up areas such as Washington?

PC:

- Places like Washington will be grossed up because this Single Det will impact upon allowances and it is to ensure that everyone gets the same amount in their pocket.

s 47E(c)

- COLA will also be grossed up where necessary

s 47E(c)

- If the members do not reach 91 days will this be a large impact upon pay team?

s 47E(c)

- There needs to be a policy decision re the grossing up of allowances.

s 47E(c)

- There are complications from a pay team perspective and this will be addressed at a further meeting between pay team and tax.
- There needs to be more work on the overseas allowance and what it compensates.

s 47E(c)

- The intention of the deductions is to ensure consistency and mitigate the possibility of 'double dipping'. The value of the UN allowances will reduce the payment of the AFP allowances.

s 47E(c)

- One of the issues is the value of the UN allowances. It will be up to the individual to declare how much they are receiving in UN allowances. It will be an integrity issue.

s 47E(c)

- Payteam will need to know how much to take off and when it is to be deducted. Pay team are not to bear responsibility to chase this up. Whoever is sending the members overseas should provide information as to the who/how much UN allowances are paid and what is to be deducted from AFP allowances.

s 47E(c)

- The leave fares align with other government agencies. There needs to be a determination from IDG in relation to the 16 /4 deployments.

s 47E(c)

- Leave fares will be reimbursed – there will not be an allowances.

s 47E(c)

- There is a special circumstances provision which will allow for a variance if necessary. The education is similar to the DFAT model – there are not paid through pay roll. The dependant allowance will be paid through payroll. The special provisions will cover Afghanistan.

s 47E(c)

- As the leave will mirror those entitlements in the relevant industrial agreement, why does payteam need to create a new leave type?

s 47E(c)

- Because there are tax issues – all leave accrued under tax free conditions need to be identified.

PC:

- The wording 'may be' or 'will be' returned to Australia when on LSL, Mat Leave etc needs to be clarified – maybe these situations can be considered as 'special circumstances'.

s 47E(c)

- In relation to the UN leave, it is the intent that IDG leave will be reduced by the amount of UN leave given.

s 47E(c)

- The draft determination will be ready early next week. It with then need to go to legal, tax and a copy will be provided to everyone in the room.

s 47E(c)

- Transition – full grandfathering post 1 July 2013 for those on an existing determination post 1 July 2013. The current determination entitlements will be paid out if the single determination is less than their current entitlements. Tax team will take the lead on individual calculations. There may be tax issues when it is paid, therefore how it is paid must be resolved.
- Grandfathering will not apply on new deployments or extensions of existing deployments.

s 47E(c)

- The Determination calculations will take a few weeks and can't be done until the draft determination is given to the team.

s 47E(c)

- COLA will be reviewed 2 x per year. The determination will be reviewed in the first 6 months to seek stakeholder feedback. Once it is mature it is anticipated it will be reviewed annually. The determination is not 'set in stone' and can be amended.
- The delegation rests with NMHR. Any variance, the review of individual cases and any requests to move outside the terms and conditions will go to NMHR.

s 47E(c)

- NMHR may not be aware of the issues.

s 47E(c)

- However this will ensure a consistency of decision. The determination will define the policies that need to be developed. There will need to be an 'employees guide'.

s 47E(c)

- Is there funding for ICT?

s 47E(c)

- There is no budget put aside for this.

s 47E(c)

- The questions regarding grossing up must be answered asap. Payteam will need to go to ICT because ICT are indicating they cannot meet the deadlines.

Concluded: 1315

ACTION ITEMS

ACTION ITEM	RESPONSIBILITY	DATE
Clarify the term 'Base Salary'	s 47E(c)	
Organise a meeting re 'grossing up'	s 47E(c)	4 March 2013
Check is outlay allowance can be increased to \$10,400 or whether this will have tax implications.	s 47E(c)	asap
Release a draft of the det	s 47E(c)	12 March 2013

OFFICE OF MANAGER HUMAN RESOURCE STRATEGIES

Ref: CMS 2013/ 24364	Date In:	Date Out: 24/12/2013	Other Ref:
From: Industrial Relations			
Location: Level 4 - EBB			
Subject: Amendment to Revocation of Determinations for Determination 1 of 2013			

<input type="checkbox"/> Commissioner	<input type="checkbox"/> CPOACT	s 47E(c)	<input type="checkbox"/> Coord Employee Relations
<input type="checkbox"/> DC National Security	<input type="checkbox"/> MLD		<input type="checkbox"/> Coord Workforce Strategies
<input type="checkbox"/> DC Operations	<input checked="" type="checkbox"/> MHRs ^{s 47E(c)}		<input type="checkbox"/> Coord HR Advisory
<input type="checkbox"/> COO	<input type="checkbox"/> MPRS ^{23/12}		<input type="checkbox"/> Coord WF Recruitment & Planning
<input checked="" type="checkbox"/> NMHR ^{23/12}	<input type="checkbox"/> MOHRW		<input type="checkbox"/> Coord HR IDG
<input type="checkbox"/> NMIDG	<input type="checkbox"/> M Legal		<input type="checkbox"/> Coord HR A-TP
<input type="checkbox"/> NMPG	<input type="checkbox"/> MAPSOC		<input type="checkbox"/> Coord HR Governance
<input type="checkbox"/> CFO	<input type="checkbox"/> MFC		<input checked="" type="checkbox"/> Coord Confidant Network
<input type="checkbox"/> CIO	<input type="checkbox"/> Ministerial		<input type="checkbox"/> Coord Health & Safety Services
<input type="checkbox"/> MOM (IDG)	<input type="checkbox"/> MOS (IDG)		<input type="checkbox"/> T/L (Please complete title)

for NMHR's signature

Forwarded for:		
<input checked="" type="checkbox"/> Signature	<input type="checkbox"/> Clearance	<input type="checkbox"/> Discuss/Advice
<input type="checkbox"/> Information/File	<input type="checkbox"/> Attention	<input type="checkbox"/> Draft reply for my signature

Response by:	Urgency: (Insert Cross)		X	
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Collaboration with:

Comments:

NMHR ^{23/12/13}

MHRS

Please find attached an amended request for revocation of overseas determinations, which need to be revoked under s. 40H(2) (*Assignment of Duties*) of the AFP Act. The original request was listed for revocation under s. 37(1) (*General Administration and Control*) and therefore have not been revoked. With the implementation of Determination 1 of 2013, the overseas determinations are now defunct as Det. 1 of 2013 covers all employees deployed overseas.

Forwarded for your approval.

s 47E(c)	<p>MHRs - Kate -</p> <p>Thank ^{s 47E(c)} Approved & signed.</p> <p><i>[Signature]</i> L. Close</p> <p>NMHR 23/12/13</p>
Industrial Relations	
23 December 2013	



AFP
AUSTRALIAN FEDERAL POLICE

COMMONWEALTH OF AUSTRALIA

Australian Federal Police Act 1979

Revocation of AFP Determinations

I, Leanne Close, delegate of the Commissioner under section 40H(2) of the *Australian Federal Police Act 1979*, hereby revoke the following determinations;

Determination	Title
Determination 1 of 2001	Overseas Conditions of Service - International Liaison Officers
Determination 2 of 2002	Overseas Conditions of Service - Deployments between 1 - 12 months
Determination 6 of 2012	Overseas Conditions of Service - Australian Federal Police High Risk Missions
Determination 12 of 2005	JCLEC - Overseas
Determination 20 of 2005	International Deployment Group - Long Term Capacity Building
Determination 2 of 2006	International Deployment Group - Deployments less than six months
Determination 6 of 2007	International Deployment Group - Long Term Unaccompanied deployment to Afghanistan
Determination 8 of 2007	International Deployment Group - Specialist Response Group
Determination 16 of 2007	International Deployment Group - Mission Component Overseas

This revocation has effect from 1 December 2013, date of effect of the Human Resource Policy on Single Determination 1 of 2013.

Dated 23 December

2013

Leanne Close, APM
National Manager Human Resources
Delegate of the Commissioner

AFP – SINGLE DETERMINATION STEERING COMMITTEE MEETING

3 August 2012

13:30-14:30

Commissioners Conference Room, Level 5, EBB, Barton



Minutes

Attendees:

Assistant Commissioner Leanne Close, NMHR (Chair);
Assistant Commissioner Mandy Newton APM, NMIDG;
Luke McCann, External Budgets (and Acting Manager Finance and Budget Advice);
Paul Curtis, Coordinator Operations Support International;
Commander Fiona Drennan, International Network;
Chris Hayward, Manager Business Services;

s 47E(c) Senior Team Leader Employee Relations;

s 47E(c) Coordinator Employee Relations;

s 47E(c) Partner Analytics Group;

s 47E(c) Partner Analytics Group;

s 47E(c) Manager Analytics Group.

1. Welcome

- a. NMHR opened the meeting

2. Guiding Principles Discussion

a. IDG

- Currently undertaking a two-step process; 1. Tidy up existing Determinations 2. Corporate position to be adopted in January 2013 once completed
- IDG looking to reduce the number of Determinations as an interim step, folding in Determination 20 to Determination 16 – better utilising the EA – looking to implement Step 1 by October 2012
- IDG want to include SES in the Single Determination process, whilst also addressing the Band 9/SES 1 remuneration inequality
- Looking to change how IDG deliver off shore missions, with longer missions with unsworn staff performing administration activities to be shorter term deployments and more likely to be unaccompanied
- Different arrangements may be required for long, medium and short term deployments
- **Principals of current work at IDG on Determinations**
 - Cutting back on allowances where requirements for entitlements are not maintained
 - Removal of Notice to Move (NTM) payment - \$5,200 p.a.
 - UN Leave provisions – taking these into consideration in the total package
 - Understanding the average cost per mission per level (including the impact of tax) and comparing to other Departments
 - Reduction of SRG (80%) composite where appropriate
 - Grandfathering – Mandy not signing off on new deployments beyond June 2013 to facilitate the implementation of the new single Determination

b. International

- Have already flagged to deployed personnel that Determination terms and conditions are subject to change
- Looking for simplification
- FBT reduction sought
- Mindful of retaining equality with other agencies
- International happy to fit into Organisational imperative, can be consistent with Short Term, Medium Term and Long Term framework

AFP – SINGLE DETERMINATION STEERING COMMITTEE MEETING

3 August 2012

13:30-14:30

Commissioners Conference Room, Level 5, EBB, Barton



- Determination on hub no longer useful to international, single Determination draft on roll backs, leave and allowances reflects similar level of thinking
 - Simplification and clarification on composites and what it is compensating – want ability to vary composites or location allowance to reflect different working requirements
 - Current EOIs for deployment state that conditions are subject to change at any time
- c. HR**
- Raised the risk of a two-step process in terms of two changes and the impact of two changes, but agreed that the work performed by IDG to date should be included the single Determination process where appropriate
 - Outlined importance of a strong communication plan
 - Raised reintegration issues – seeking to remove disincentives to return to Australia, noting that the financial benefits will always be an impediment
 - Seeking to reduce occurrence of long-term and continuing deployments due to re-integration difficulties
 - HR currently seeking advice about changing terms and conditions of existing Determinations (mid-term deployment/posting) from an industrial standpoint and how this is to be achieved
- d. Business Services – Chris Hayward**
- Systems changes may present implementation timing issues
 - Current backlog of changes to be processed
- 3. Decisions made**
- Guiding Principles – Refer Attached**
- Administrative Decisions made**
- a. Steering Committee meetings are to be held every 3 weeks
- 4. Action items**
- a. Nil
- 5. Items to be determined**
- a. Treatment of Executive Level (B9 and Senior Executive Service) – rem committee not looking at making any changes until the current review is complete, which may impact the Single Determination
- b. NMHR is open to writing to staff and amending contracts in June. International prefer a single date of application. To be clarified at future date in conjunction with grandfathering advice.
- c. Commencement of Single Determination of 1 January for new deployments and where possible limit the need for continuing existing determination provisions beyond 1 July 2013.
- 6. Next meeting**
- a. Meetings to be held on a 3 weekly basis, with weekly status reports provided by Analytics Group
- b. Next meeting to be determined