



## SENIOR LEADERSHIP FORUM Agenda

<b>+Date/time</b>	Thursday 18 – Friday 19 July, 2024
<b>Location</b>	AFP College, 9 Brisbane Avenue, Barton ACT
<b>Chair</b>	Commissioner, Reece Kershaw APM
<b>Invitees</b>	
<b>Members:</b>	SLF Members (All SES Band 3, SES Band 2)
<b>Observer/s:</b>	Staff Officer to Commissioner, EA to Commissioner

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No.	Time	Agenda item	Purpose	Presenter/Facilitator
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Thursday 18th July



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4	15:45	NMPC and MMPA to discuss the Enterprise Agreement and next steps, communications strategy.	Discuss	Ms Brooke Everett NMPC  Ms Renee Viellaris MMPA
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**AFP**

# Senior Leadership Forum – Enterprise Bargaining

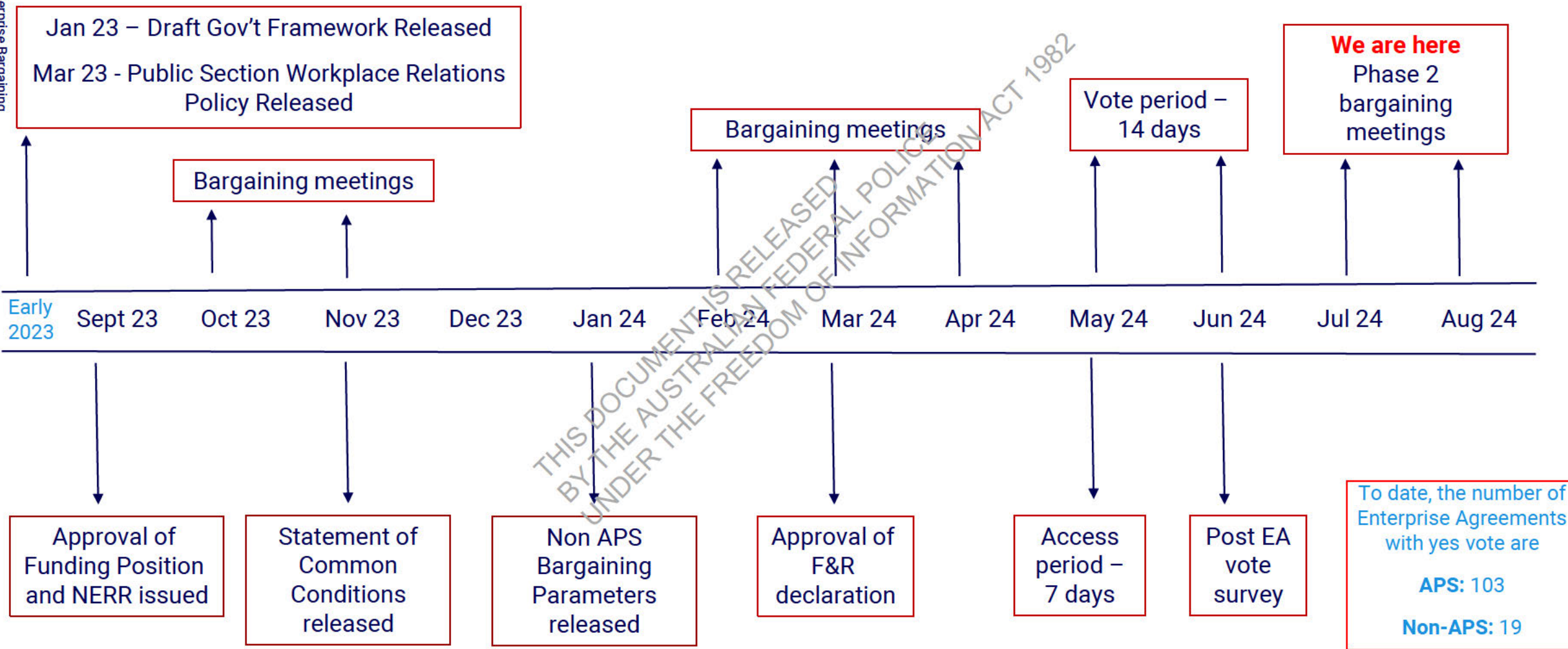
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**Speaker name**  
NMPC - Brooke Everett  
**Date 18 July 2024**



# History of Bargaining

## Timeline of key dates



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# Government Framework

## Non APS Bargaining Parameters

Category	Is the change supported?	Examples of Category
1	<p>Yes, aligns with Common Conditions.</p> <p><i>Provides the opportunity for non-APS agencies to bargain for improved conditions where they are currently below the Commonwealth's approach to APS commonality and the changes are practical and affordable for that agency.</i></p>	<p>EL TOIL Working from Home Parental Leave Workplace Responsibility Allowance</p> <p><b>Aligns directly with APSC common conditions, with no further enhancement.</b></p>
2	<p>Only with a policy exemption, in exceptional circumstances.</p> <p><i>Application for exemption must be assessed by the APSC and is subject to endorsement from the agency's portfolio minister and approval from the Minister for the Public Service.</i></p>	<p>Pay increase that exceeds the APS Common Condition Decrease of qualifying time for higher duties to be payable from day one (not on a case by case basis) Specialist Allowances Changes to broadbands with material cost</p>
Other	<p>Consult with the APSC.</p> <p><i>Other changes are likely to be supported where they address a genuine business need in a reasonable, proportionate and affordable way.</i></p>	<p>Use of Force Allowance Unsociable Hours Allowance</p> <p><b>Enhancements outside of the Common Conditions (including minor changes to the drafted condition)</b></p>

## Fair Work Commission considerations (FWC)

- **Better Off Overall Test (BOOT):** Considers the terms that are more beneficial and less beneficial to employees in an agreement, compared to the terms in the relevant modern award.
- **Notice of employee representational rights (NERR):** A mechanism used to advise employees about their rights. This is provided to each employee that the proposed agreement will cover and those employed at the Notification time for the agreement.
- **Access Period:** A specified 7 day period where the agency provides specific information to employees who will be covered by the agreement. Employers must provide: access to the agreement, information on how, where and when they can vote and access to any incorporated material, such as policies or any awards referenced.
- **Ballot/Voting Period:** When the Agency believes a suitable proposed enterprise agreement has been negotiated with the bargaining representatives, the Agency may put the proposed enterprise agreement to a vote of the employees to be covered by the agreement.

### **In the event that bargainers are unable to agree:**

- **Bargaining Dispute Submission (section 240):** Bargaining representatives may apply for the FWC to arbitrate a dispute about a proposed enterprise agreement, if parties are unable to resolve the dispute.
- **Intractable Bargaining Declaration:** A bargaining representative can apply for an intractable bargaining declaration if the parties have been bargaining for at least 9 months (the minimum bargaining period) and have reached an impasse.
- **Workplace Determination: Intractable Bargaining:** If parties can't resolve a dispute after an intractable bargaining declaration is made, the Commission must make an intractable bargaining workplace determination. A determination can only be made by a Full Bench.



# Survey Results



## Enterprise Bargaining Post-Vote Survey Key Insights



Survey dates:  
13 June – 27 June 2024



Overall response rate:  
55%



Reporting based on 37 questions and 17,311 free text comments



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ENTERPRISE AGREEMENT 2024



Remuneration was a key concern for members, with 4 out of 5 (79%) **dissatisfied or very dissatisfied with the base salary increase** (11.2% over 3 years).

65% of respondents had **negative sentiment** towards the **one-off payment**, which largely related to the amount needing to **significantly increase**.

There is **strong support** for the introduction of a **Use of Force Allowance**, however the majority were **dissatisfied with the rate offered**.

There is **mixed sentiment** towards the **Police and PSO broadband changes**.

6 out of 10 respondents (58%) had **negative sentiment** towards the proposed **unsociable hours allowance**.

There was a **strong positive sentiment** towards the **retention of leave entitlements and mandatory rest days**.

One in two members were **positive** towards the changes to **working from home conditions** and changes to the **higher duties policy**.

LEX 3011

### Workplace Responsibility Allowance

1 in 2 members believe the allowance is an **improvement**, however free text comments show that a large number of respondents believe that the allowance is **unfair** due to its **limited scope**. This sentiment is particularly strong for members who maintain first aid qualifications and administer first aid as part of their usual role.

### Unsociable Hours Allowance

There is **strong sentiment** that this allowance should be **increased** and should be a **flat rate**. There are **mixed responses** relating to who should **receive the allowance**, and whether the existing nightshift allowance should be **retained**.

### Use of Force Allowance

There is **strong support** for the introduction of the allowance, with 3 out of 4 of members (75%) believing it is an improvement on existing conditions and it is important it is maintained (75%). There is a **strong desire** for the amount to be **increased**.

### Rapid Deployment Allowance

43% of respondents indicated this allowance should be **maintained in the next proposed Agreement**. Free text comments revealed a **lack of clarity** in what the allowance entailed, and who would be **eligible** to receive it.

### Police Broadbands

There is mixed sentiment regarding the Police broadband requirements – with **52% of members** indicating the proposed changes are an improvement on existing conditions, whilst free text responses reflect a desire for **expansion** of the police broadband.

### PSO Broadbands

There is **strong support** for the proposed changes, with only 4% **negative sentiment** from the PSO cohort. Free text comments indicate a **strong desire** for the PSO broadband to be **implemented immediately** upon commencement of the EA.

### Other Broadbands

Many members expressed dissatisfaction with the current 'Other' broadband arrangements, with **52% dissatisfied** with the broadband conditions relevant to their role. Suggested improvements include introducing **soft barriers** and **reducing tenure requirements**.

### Communication

Whilst **60% of members** indicated that they were aware what channels were available to them to provide feedback on the EA, less than **50% agreed** that the information provided on the EA was easy to understand. Members are seeking more information on **what the impact on their pay will be, and what allowances are applicable to them**.

### Sentiment – Free Text

There was a **strong negative sentiment** and **confusion** towards the **EA Bargaining process and timeframes**, and base pay concerns are strongly linked to **cost-of-living challenges** and **financial security**. Members have expressed a need for **clear and concise communication** and seek **transparency** and further **explanation** of the process.



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ENTERPRISE OPERATIONS BOARD  
Out-of-Session Minutes

<b>Date/time</b>	Wednesday 5 June 2024, 1000-1045HRS
<b>Location</b>	Commissioner’s Conference Room Level 5 AFP National Headquarters Barton, ACT
<b>Chair</b>	a/Chief Operating Officer (COO), Katherine Van Gorp
<b>Invitees</b>	
<b>Members:</b>	DCI&SC, Lesa Gale; CPO, Scott Lee; DCNS, Krissy Barrett; DCC, Ian McCartney; a/CoS, Joanne Chidgey.
<b>Adviser/s:</b>	CFO, Paul Wood; a/NMSP, Michelle Rak, NMPC, Brooke Everett.
<b>Observers:</b>	MF&BM, Lachlan Funnell; s 47E(c)
<b>Secretariat:</b>	Central Secretariat Unit
<b>Apologies</b>	Nil.
<b>Next meeting</b>	Wednesday, 26 June 2024.

**2024-25 IMPACT STATEMENTS – BUDGET ALLOCATIONS**

Chief Financial Officer (CFO) Paul Wood presented the 2024-25 Impact Statements – Budget Allocations, as per the papers.

The Enterprise Operations Board (EOB):

- Noted the outcomes of the Enterprise Agreement vote impacted on the 2023-24 results and may impact on the 2024-25 budget. A range of scenarios will be considered however, the Board noted CFO’s assessment that the risk would not be problematic with Commands needing to ensure a strict adherence to their allocated budgets.



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ENTERPRISE OPERATIONS BOARD  
Executive Paper

Agenda Item Number: 2.1

Agenda Topic: Executive Finance Report

Sponsor and Presenter: Sponsor: A/Chief Operating Officer (a/COO), Paul Wood  
Presenter: A/Chief Financial Officer (a/CFO), Lachlan Funnell

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KEY ISSUES

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The key spending areas to note are;

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**Enterprise Agreement**

As the proposed AFP Enterprise Agreement 2024-27 was not supported by the workforce, no pay rise will come into effect this financial year. The substantial cost associated with revaluing the leave provision balances and paying a once off sign-on bonus would have had an effective date of 25 May 2024 and been expensed in June 2024. This outcome has driven the full year forecast underspend.

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# AFP

**PROTECTED**

COMMISSIONER

Our reference: EC24-002382

5 July 2024

The Honourable Mark Dreyfus KC, MP  
Attorney-General  
Parliament House  
CANBERRA ACT 2600

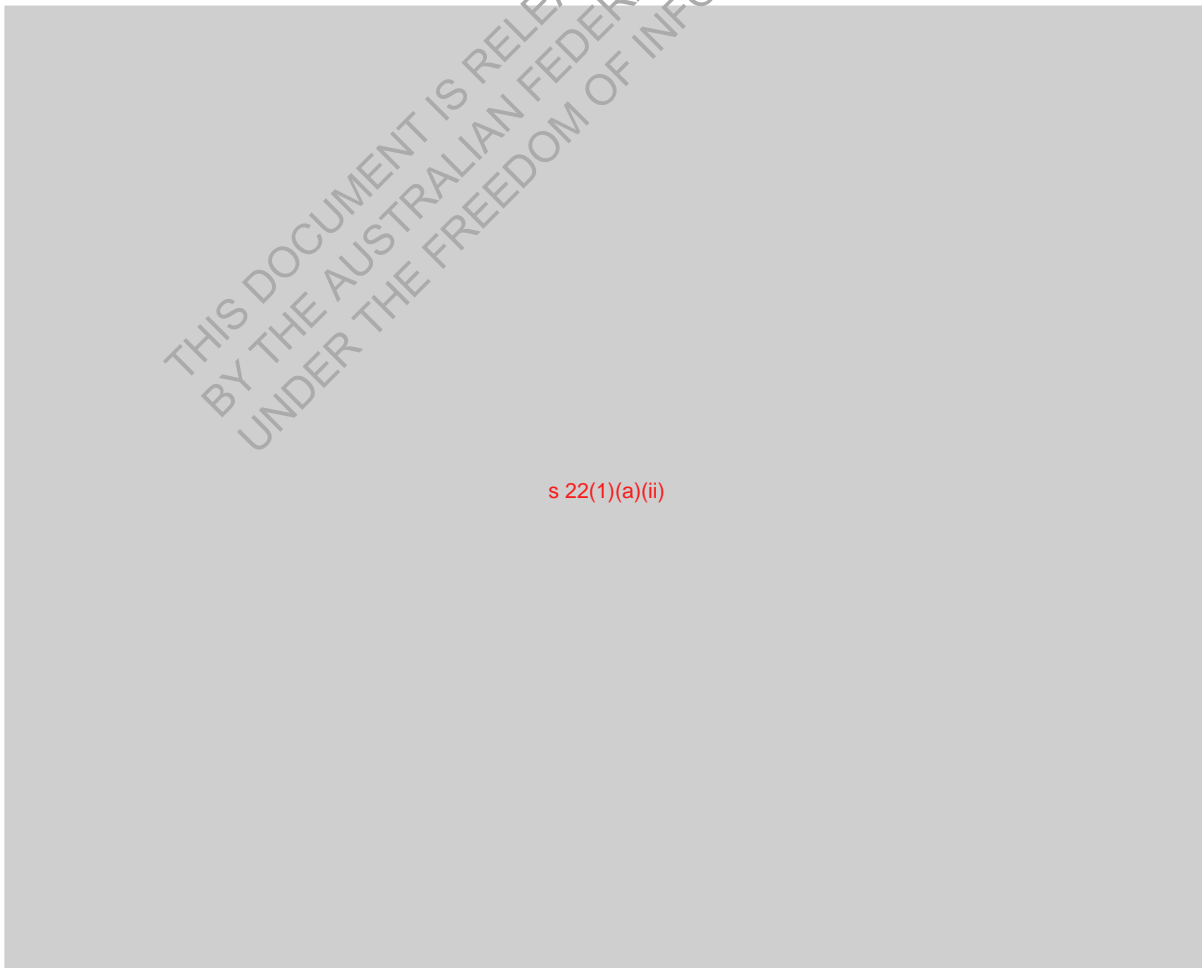
Cc: Katherine Jones PSM  
Mathew Jose

**Via email**

Dear Attorney-General

I am writing to provide you with an update on matters arising over the past week, including key issues and anticipated activity for the AFP for the period 6 to 12 July 2024.

**Key operational updates**



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Enterprise Agreement

The results of the AFP all-staff survey on the enterprise agreement continue to be analysed, with over 17,000 free text comments received. I look forward to sharing the results with the AFP workforce and with you later this month.

The Australian Federal Police Association (AFPA) and Community and Public Sector Union are continuing their protected industrial action. An Independent Bargaining Group protected action ballot was submitted on 18 June, opened on 2 July 2024 and is due to close on 1 August 2024. A further PABO was submitted by the AFPA on 3 July 2024 with 21 new actions. This is subject to the Fair Work Commission's consideration at this time.

The AFP will return to the bargaining table on 9 July 2024.

Yours sincerely

s 47E(c)

Reece P Kershaw APM  
Commissioner

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