



# AFP

AUSTRALIAN FEDERAL POLICE

CHIEF OPERATING OFFICER

GPO Box 401,  
Canberra ACT 2601 Australia  
Telephone s 47E(d)  
www.afp.gov.au

Our Reference: CMS: 2020/614

31 January 2020

Ms Sandra Parker PSM  
Fair Work Ombudsman  
17-21 University Ave  
Canberra ACT 2601

Dear Ms Parker,

## Notification to Fair Work Ombudsman

Further to our teleconference on 6 January 2020 where we advised the AFP has underpaid superannuation contributions s 22(1)(a)(ii) to members for a number of years, we now provide formal advice on the nature, impact and rectification associated with these underpayments. s 47E(d)

s 47E(d)

### 1. Superannuation

#### Background

The Superannuation underpayment issue was identified in 2016 following an investigation prompted by a member. A significant period of discovery followed. This discovery phase encompassed the range of industrial instruments in operation over the 12 year period (2007-2019), external legal advice on the allowances within them, the data requirements necessary to consider them, the opportunity and mechanisms available to rectify the underpayment and the implementation of the system to calculate the revised superannuation salary. The AFP is now processing reviews and updating member's records. The timeframes for completion are yet to be determined.

#### Issue

The Australian Federal Police (AFP) has underpaid superannuation for members on a range of allowances associated with a number of industrial instruments for a period spanning 2007 to 2019.

In Enterprise Agreements before 2007, superannuation on allowances was expressly and broadly excluded. However, in agreements after 2007, this comprehensive exclusion is not present and the Enterprise Agreements and International Determinations are silent on the superannuation status of some allowances. This provides an avenue through which superannuation legislation (regulations) applies and in some cases creates an obligation to pay superannuation expressly excluded under previous agreements.

The change to the Enterprise Agreement was not the subject of bargaining and appears to have been an administrative error.

Over 9,000 members have been in receipt of relevant allowances over the 12 year period. Members' records are being assessed to determine if the payments meet eligibility requirements for the adjustment of superannuation salary. Superannuation Fund managers on notification by the AFP of revised superannuation salary information will update the member's superannuation record and advise the AFP of the outcome.

A high level financial liability estimate was prepared for the 2018-19 financial statements where the AFP reported a provision of \$59m associated with underpaid superannuation to members.

### Consequences

Members who receive a revised superannuation salary outcome from Commonwealth Superannuation Corporation (CSC) as a result of the review will have their employer contribution shortfall updated immediately.

PSSap and SuperChoice contributing members records will be updated upon receipt of the payment processed by the AFP through superstream. For members already receiving a pension, the mechanism for payment is still being determined as the Superannuation Legislation does not allow contributions into a superannuation fund unless a member meets specific requirements.

Members will be advised of their new superannuation salary upon which future fortnightly contributions will be based as well as any employee contribution shortfall for the period 2007 to 2019. This shortfall is owed to their superannuation fund. There is a standard 13 week repayment term though CSC, however CSC are open to negotiation. Employee contribution shortfalls not corrected will be factored into the final benefits entitlement calculation at the appropriate time.

There is no required repayment term for PSSap and SuperChoice as they do not have compulsory member contributions.

The breakup of the potentially affected members by fund and cohorts is provided at Attachment A.

### Rectification action taken

#### *Overview*

The initial discovery phase provided the basis for progress with the superannuation reviews. Specific process and procedure documents were developed to ensure a consistent approach to reviews and the identification of anomalies. Quality assurance processes conducted on reviews assist in delivering a complete and accurate update to member's records. As the reviews progress specific circumstances require consideration and often expert advice on the most appropriate approach.

#### *Governance*

The AFP has established a governance board over the project with external members from the Department of Finance and the Department of Home Affairs. The Board considers issues on scope, legal advice, communications with stakeholders and union engagement.

The rectification has been prioritised to firstly address members soon to retire to enable them to have all available information for their decision. This is followed by retired members to facilitate an update to their current superannuation income, former members who are current contributors and then current AFP members in age order.

The project management is delivered through s 47G with oversight by an AFP SES band 1. There is a team dedicated to the superannuation rectification project. Comprised of AFP payroll specialist resources supported by a Home Affairs secondee, contracted payroll resources and s 47G staff. The COO reached out unsuccessfully to her Commonwealth counterparts for additional resources last year.

This component of the project does not include the impact of rent free accommodation as the treatment for this item remains under review by the Department of Finance as a whole of Government consideration.

The project timeline to the point of conducting reviews is provided at Attachment B.

s 42(1)

The relevant allowances under review are provided at Attachment C.

The list of industrial Instruments reviewed is provide at Attachment D.

#### *Commonwealth Superannuation Corporation*

There has been significant consultation with the CSC, the major fund manager, to understand the mechanism available to rectify the employer superannuation contribution shortfall across the various cohorts. This included seeking to understand the fund rules and the implication for members of the contribution shortfalls.

#### *Australian Taxation Office*

The Project team has been in contact with the ATO advising them of the issue and seeking guidance on how to support members. The ATO communicated how a number of sections of taxation legislation might be relevant to the member's situations. There has been agreement to provide a template letter within which the members will advise of their personal circumstances and seek the Superannuation adjustment be applied to the relevant year rather than considered as a lump sum in 2019-20.



### *Communication*

Initial communication with identified potentially affected member occurred in October 2018. The project team started communicating with potentially affected members in March 2019. These project updates have been provided regularly from this point.

Contact with ex members has been sourced through the informal networks, formal former-member forums on face book and via CSC writing on our behalf to contributing former-AFP members. Further attempts will be made once an impact has been determined.

The unions have been engaged throughout the project. Briefings were provided prior to the initial communication with members and updates have occurred throughout the project. The Chief Financial Officer and Assistant Commissioner People Safety and Strategy meet with the union representatives after each Board meeting. The project team respond to questions and queries from union representatives on behalf of members. Recently union representatives were provided with a walk through of a superannuation review to provide perspective when liaising with members.

#### List of Attachments:

**Attachment A** – Potentially affected member analysis

**Attachment B** – Project timeline to review stage.

**Attachment C** - Table of relevant allowances reviewed

**Attachment D** - List of industrial instruments reviewed

**Attachment E** - Case studies

s 22(1)(a)(ii)



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s 22(1)(a)(ii)

#### Further consultation

Should you require further information, clarity on the content provided or an update at in the future please contact acting Chief Financial Officer, Farnya Gershach at s 47E(c) [@afp.gov.au](mailto:s 47E(c)@afp.gov.au) or on s 47E(c)

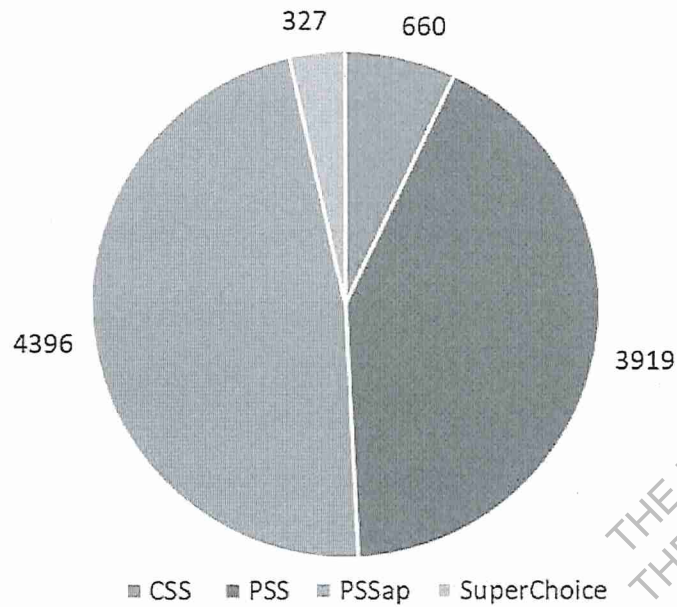
Kind regards

s 47E(c)

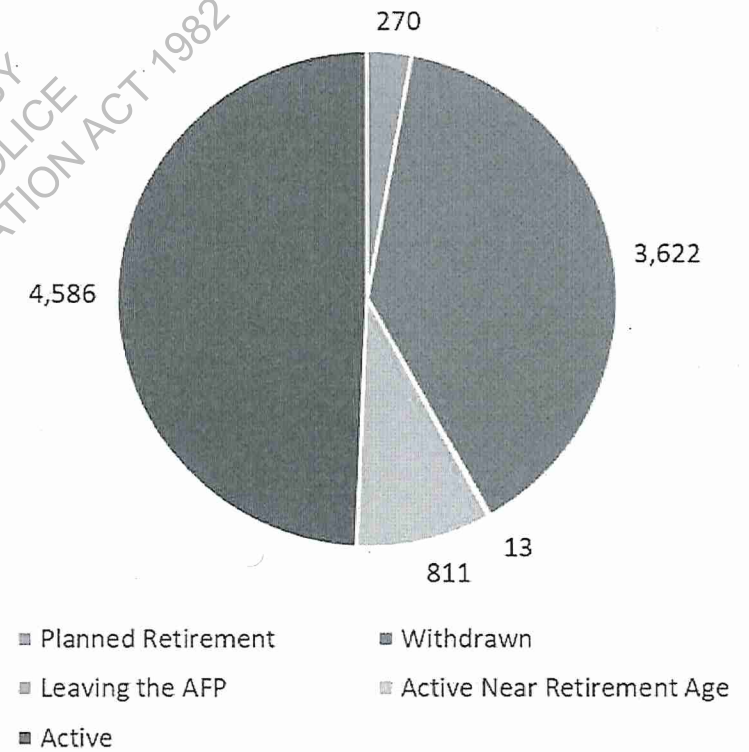
Darren Box  
Acting Chief Operating Officer  
Australian Federal Police

Superannuation - Potentially Affected Member Analysis

Super Fund Distribution



Cohort Distribution



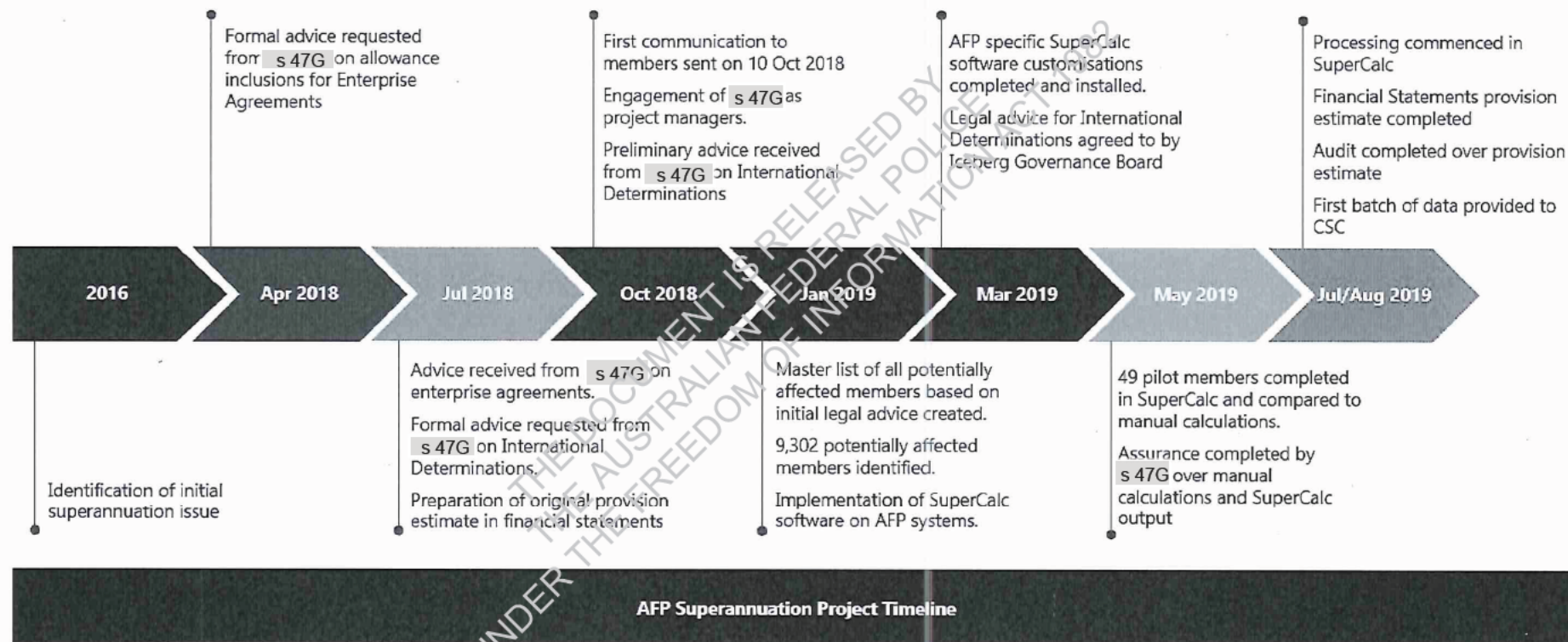
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Attachment B

## Superannuation - Project timeline to review stage



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### Superannuation - Allowances included in the review

### Attachment C

This table presents the allowances provided by the AFP relevant to the review based on the Superannuation Legislation. This identifies those allowances where the AFP may need to take corrective action depending on the member's payments meeting the eligibility criterion.

| Allowance  | Eligibility criteria (after which continuing receipt of the allowance counts as superannuation salary)                           | Will an adjustment be required when criteria is met?                       |
|--|--|--|
| 22% Core Composites  | Automatic<br>Special Purpose 22% Composite ceased from 23/05/2018  | No adjustment required, this is already included in superannuation salary. |
| High Volume Composite (35%)                                  | Employees received allowance consistently for a period of 12 months and one day.<br>Excluded from superannuation from 07/03/2012 | <b>Superannuation adjustment required</b>                                  |
| Higher Duties Allowance                                      | Employees received allowance consistently for a period of 12 months and one day.   | No adjustment required, this is already included in superannuation salary. |
| Critical Deployment/Critical Event Composite (45%, 65%, 70%) | Automatic ONLY if received immediately after a 22% Composite   | <b>Superannuation adjustment required</b>                                  |
| Sell Leave   | Automatic ONLY if received over the employees birthday. Adjusts member's base salary.  | No adjustment required, this is already included in superannuation salary. |
| Night Shift  | Employees received allowance for 20 of 26 pay periods  | <b>Superannuation adjustment required</b>                                  |
| On-Call  | Employees received allowance for 26 of 26 pay periods  | <b>Superannuation adjustment required</b>                                  |
| Static Duty  | Employees received allowance for 26 of 26 pay periods  | <b>Superannuation adjustment required</b>                                  |
| Restricted Duties  | Employees received allowance for 26 of 26 pay periods  | <b>Superannuation adjustment required</b>                                  |

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| Allowance                     | Eligibility criteria (after which continuing receipt of the allowance counts as superannuation salary)  | Will an adjustment be required when criteria is met?                       |
|-------------------------------|---|--|
| Close Duty                    | Employees received allowance for 26 of 26 pay periods   | <b>Superannuation adjustment required</b>                                  |
| Vehicle Allowance             | Automatic   | No adjustment required, this is already included in superannuation salary. |
| Parking Allowance             | Automatic   | No adjustment required, this is already included in superannuation salary. |
| SES Executive Allowance       | Automatic   | No adjustment required, this is already included in superannuation salary. |
| Overseas Composites           | Employees received allowance consistently for a period of 12 months and one day.<br><br>If received directly after a 22% composite, 22% is included in superannuation until overseas composite is eligible for inclusion.<br><br>Excluded under Determination 1 of 2001 and Determination 20 of 2005. | <b>Superannuation adjustment required</b>                                  |
| Overseas Service Allowance    | Employees received allowance consistently for a period of 12 months and one day.  | <b>Superannuation adjustment required</b>                                  |
| Field Accommodation Allowance | Employees received allowance consistently for a period of 12 months and one day.  | <b>Superannuation adjustment required</b>                                  |
| Notice to Move Allowance      | Employees received allowance consistently for a period of 12 months and one day.  | <b>Superannuation adjustment required</b>                                  |
| Flexibility Allowance         | Employees received allowance consistently for a period of 12 months and one day.<br><br>If received directly after a 22% composite, 22% is included in superannuation until overseas composite is eligible for inclusion.   | <b>Superannuation adjustment required</b>                                  |



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### Superannuation - List of industrial instruments reviewed

Attachment D

Collective Agreement 2007-2011

Enterprise Agreement 2012-2016

Enterprise Agreement 2017-2020

Individual AWA

SES contracts

Protective Security Officer Certified Agreement 2005

Protective Services Determination 9 of 2005 Air Security Officers

Determination 01 of 2001 AFP - Overseas conditions of service

Determination 02 of 2002 AFP – Short term overseas conditions of service

Determination 01 of 2004

Determination 04 of 2004 – Short term deployment variation to Determination 02 of 2002

Determination 08 of 2004

Determination 09 of 2004 – Overseas condition of service deployment of less than one month

Determination 19 of 2005 AFP – IDG long term unaccompanied Deployments

Determination 20 of 2005 AFP – international Deployment Group

Determination 01 of 2006 AFP – Overseas training less than 8 weeks

Determination 06 of 2007 AFP – IDG long term deployments unaccompanied to Afghanistan

Determination 07 of 2007 AFP – IDG operational response group domestic

Determination 08 of 2007 AFP – IDG specialist response group overseas

Determination 10 of 2007 AFP – IDG AFP Protective services officers overseas

Determination 12 of 2007 AFP – IDG AFP Protective services officers overseas

Determination 14 of 2007 AFP – IDG Operation Pleach

Determination 16 of 2007 AFP – IDG mission component overseas

Determination 17 of 2007 AFP – IDG mission component domestic

Determination 17 of 2009 AFP – IDG mission component domestic

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Determination 1 of 2013 AFP – Overseas conditions of service

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## Attachment E

### Case Studies of Superannuation salary adjustments

#### Definitions:

Average Ordinary Weekly Times Earnings (AWOTE): If a member receives a reduction in superannuation salary an AWOTE calculation is completed to ensure a members superannuation salary does not reduce. The AWOTE is maintained until the member's actual superannuation salary surpasses the AWOTE superannuation salary.

#### Case Study 1

Between 2007 and the member's 2019 birthday, the member was in receipt of the following allowances which were not previously included in their superannuation salary:

- 35% High Volume Composite
- Night Shift Allowance
- On-Call Allowance

For the allowance to be included, the member had to meet specific eligibility criteria. For this case study, the member only met the eligibility criteria for 35% High Volume Composite.

The member was in receipt of the following allowances which had previously been included in the member's superannuation salary, provided the eligibility periods for each allowance were met:

- Higher Duties Allowance
- 22% Composite

| Year | Original Superannuation Salary | Restated Superannuation Salary | Reason for change   |
|------|--------------------------------|--------------------------------|---|
| 2007 | 74,693                         | 74,693                         | No change   |
| 2008 | 83,544                         | 109,193                        | Member was in receipt of 35% High Volume Composite for 12 months and 1 day. This resulted in an additional \$25,649.40 being included in the member's superannuation salary.  |
| 2009 | 92,984                         | 119,659                        | Member continued to receive 35% High Volume Composite for a continuous period   |
| 2010 | 96,703                         | 124,446                        | Member continued to receive 35% High Volume Composite for a continuous period   |
| 2011 | 96,703                         | 124,446                        | Member continued to receive 35% High Volume Composite for a continuous period   |
| 2012 | 100,572                        | 125,556                        | The 35% High Volume Composite was excluded from superannuation from 8 March 2012. Therefore, this resulted in a reduction in superannuation salary and an AWOTE was created utilising the superannuation salary details from 7 March 2012 (the day before the reduction) and a reduction date of 8 March 2012. As the AWOTE result (125,556) was greater than the |



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|      |         |         |   |
|------|---------|---------|---|
|      |         |         | member's actual superannuation salary (100,572), the AWOTE was used as the member's superannuation salary.                                    |
| 2013 | 104,362 | 128,409 | The AWOTE from 8 March 2012 surpassed the member's actual superannuation salary (103,589) and was used as the member's superannuation salary. |
| 2014 | 107,214 | 130,867 | The AWOTE from 8 March 2012 surpassed the member's actual superannuation salary (107,214) and was used as the member's superannuation salary. |
| 2015 | 110,431 | 133,165 | The AWOTE from 8 March 2012 surpassed the member's actual superannuation salary (110,431) and was used as the member's superannuation salary. |
| 2016 | 110,431 | 134,513 | The AWOTE from 8 March 2012 surpassed the member's actual superannuation salary (110,431) and was used as the member's superannuation salary. |
| 2017 | 110,431 | 136,574 | The AWOTE from 8 March 2012 surpassed the member's actual superannuation salary (110,431) and was used as the member's superannuation salary. |
| 2018 | 113,744 | 138,634 | The AWOTE from 8 March 2012 surpassed the member's actual superannuation salary (113,744) and was used as the member's superannuation salary. |
| 2019 | 116,020 | 140,854 | The AWOTE from 8 March 2012 surpassed the member's actual superannuation salary (116,020) and was used as the member's superannuation salary. |

The member is part of the PSS scheme and the changes to their superannuation salary were provided to the Commonwealth Superannuation Corporation (CSC) to calculate the changes to the member's employee contributions, interest on employee contributions and employer productivity superannuation contribution (EPSC) amounts. Once these calculations are completed, CSC provide the results to the AFP to communicate to the member.

For the above case study the results were as follows:

Member Contribution Shortfall: \$21,005.75

Member Contribution Interest Shortfall: \$9,637.89

EPSC Shortfall: \$487.87

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### Case Study 2

Between 2007 and the member's 2019 birthday, the member was in receipt of the following allowances which were not previously included in their superannuation salary:

- On-Call Allowance

For the allowance to be included, the member had to meet specific eligibility criteria. For this case study, the member met the eligibility for On-Call Allowance.

The member was in receipt of the following allowances which had previously been included in the member's superannuation salary, provided the eligibility periods for each allowance were met:

- 22% Composite
- Sale of Recreation Leave

| Year | Original Superannuation Salary | Restated Superannuation Salary | Reason for change  |
|------|--------------------------------|--------------------------------|--|
| 2007 | 65,045                         | 65,045                         | No change  |
| 2008 | 70,249                         | 70,249                         | No change  |
| 2009 | 89,132                         | 89,132                         | No change  |
| 2010 | 89,265                         | 89,265                         | No change  |
| 2011 | 94,674                         | 94,674                         | No change  |
| 2012 | 98,093                         | 104,191                        | On the member's 2012 birthday, they qualified for on-call allowance of (11,355). The inclusion of this allowance surpassed the AWOTE which was created in 2011 and carried forward. The member's actual superannuation salary has been used.   |
| 2013 | 100,980                        | 109,891                        | On 16 January 2013 the member had a reduction in the amount of on-call allowance received. This resulted in an AWOTE being created utilising the details from 15 January 2013 and a reduction date of 16 January 2013. On the member's birthday this AWOTE salary surpassed the member's actual salary of (95,621) and was used as the member's superannuation salary. |
| 2014 | 103,487                        | 112,250                        | The AWOTE from 16 January 2013 surpassed the member's actual superannuation salary (98,698) and was used as the member's superannuation salary.  |
| 2015 | 106,299                        | 114,837                        | The AWOTE from 16 January 2013 surpassed the member's actual superannuation salary (101,935) and was used as the member's superannuation salary.   |
| 2016 | 107,211                        | 115,674                        | The AWOTE from 16 January 2013 surpassed the member's actual superannuation salary (101,935) and was used as the member's superannuation salary.   |

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|------|---------|---------|--|
| 2017 | 109,262 | 117,577 | The AWOTE from 16 January 2013 surpassed the member's actual superannuation salary (101,935) and was used as the member's superannuation salary. |
| 2018 | 111,390 | 119,555 | The AWOTE from 16 January 2013 surpassed the member's actual superannuation salary (104,995) and was used as the member's superannuation salary. |
| 2019 | 113,593 | 121,610 | The AWOTE from 16 January 2013 surpassed the member's actual superannuation salary (107,095) and was used as the member's superannuation salary. |

The member is part of the PSS scheme and the changes to their superannuation salary were provided to the Commonwealth Superannuation Corporation (CSC) to calculate the changes to the member's employee contributions, interest on employee contributions and employer productivity superannuation contribution (EPSC) amounts. Once these calculations are completed, CSC provide the results to the AFP to communicate to the member.

For the above case study the results were as follows:

Member Contribution Shortfall: \$5,542.28

Member Contribution Interest Shortfall: \$1,696.83

EPSC Shortfall: \$0





# AFP

AUSTRALIAN FEDERAL POLICE

**CHIEF OPERATING OFFICER**

GPO Box 401,  
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Our Reference: CMS 2020/2056

3 April 2020

Mr Michael Campbell  
Deputy Fair Work Ombudsman - Operations  
17-21 University Avenue  
Canberra ACT 2601

Dear Mr Campbell,

On Friday 20 March 2020, A/CFO Tarnya Gersbach and I met with yourself and Lynda McAlary-Smith at the Fair Work Ombudsman Offices in Canberra in relation to AFP Disclosure of Underpayments. During the meeting A/CFO Gersbach and I undertook to report to you on a monthly basis outlining the progress of the rectification associated with the superannuation underpayments **s 22(1)(a)(ii)**. You expressed an interest to also be advised of issues or concerns that might escalate in order to assure you are appropriately briefed in light of the public nature of the rectification activity.

The information provided in the attached includes the following details:

- Superannuation – status update
- Superannuation – communication update
- Stakeholder contact details:
  - o Australian Taxation Office (ATO)
  - o Australian Federal Police Association (AFPA)
  - o Commonwealth Superannuation Corporation (CSC)
- **s 22(1)(a)(ii)**
- Extracts from AFP Enterprise Agreements (EA):
  - o AFP EA 2012-2016
  - o AFP EA 2017-2020

Should you require further detail on the content provided or additional content please contact a/CFO Tarnya Gersbach **s 47E(c)** @afp.gov.au).

Yours sincerely

**s 47E(c)**

Darren Box  
Acting Chief Operating Officer

# Reporting to Fair Work Ombudsman – April 2020

## Superannuation

### Status update

The position of the superannuation project as the end of March 2020:

| Category                     | Quantity | Percentage of Population |
|------------------------------|----------|--------------------------|
| Reviews completed            | 1,524    | 16%                      |
| Quality assurance completed  | 481      | 5%                       |
| Provided to CSC              | 269      | 3%                       |
| No change required to record | 68       | 1%                       |

The number of potentially affected members at the commencement of the project was 9,302. The stages identified above reflect the progression of records through the process.

The project had estimated for the Governance Board a completion date for reviews of December 2020. This was on the basis of engaging up to 30 members on the project team. There are currently 16 members of the project team with 12 undertaking review/QA activity. While there was little interest in the market for the work, the security clearance process delays the on boarding of additional team members which are able to be secured.

The reprioritisation of AFP resources from the project to general payroll priorities as a results of the COVID-19 has reduced capacity. There is currently action underway to engage more contract resources into the project and engage with more a flexible approach to the delivery of outcomes less reliant to access to AFP headquarters.

### Communication

#### Members

The most recent communication provided to potentially affected members was emailed on March 5 2020. This included, for the first time, project management information.

- Project timeline
- Notification of the number of potentially affected members
- Progress to date on the various cohorts
- Estimated completion date for reviews by AFP

There has been no interaction regarding the superannuation project on the AFP discussion forum for weeks. The general theme of the email traffic to the project team inbox is in relation to members seeking to understand the timing of their particular outcome and generally concern with the time taken to deliver project outcomes.

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### Stakeholders

The project team is liaising with the ATO regulatory area via:

Paul Delahunty  
Director and Taskforce Lead  
Superannuation and Employer Obligations  
Australian Taxation Office

P [REDACTED] s 47E(c) M [REDACTED] s 47E(c)

E [REDACTED] s 47E(c)

The contact within the Commonwealth Superannuation Corporation is:

[REDACTED] s 47E(c)

Agency Rework  
Commonwealth Superannuation Corporation (CSC)

P: [REDACTED] s 47E(c)

E: [REDACTED] s 47E(c)

The Australian Federal Police Association (AFPA) contact is:

Angela Smith  
President  
Australian Federal Police Association  
p (02) 6285 1677  
e afpa@afpa.org.au

s 22(1)(a)(ii)

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# AFP

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Canberra ACT 2601 Australia  
Telephone **s 47E(d)**  
[www.afp.gov.au](http://www.afp.gov.au)

Our Reference: 2020/3150

3 June 2020

Mr Michael Campbell  
Deputy Fair Work Ombudsman - Operations  
17-21 University Avenue  
Canberra ACT 2601

Via email: **s 47E(c)**

Dear Mr Campbell,

The monthly report on progress of the superannuation rectification project **s 22(1)(a)(ii)**

**s 22(1)(a)(ii)** is attached. This outlines the progress with reviews and corrective action undertaken.

Should you require further detail on the content provided or additional content please contact a/Chief Financial Officer Tarnya Gersbach (**s 47E(c)** @afp.gov.au).

Yours sincerely

**s 47E(c)**

Darren Box  
a/ Chief Operating Officer



# Reporting to Fair Work Ombudsman – May 2020

## Superannuation

### Status update

The position of the superannuation project as at the end of April 2020:

| Category                     | Quantity | Percentage of Population |
|------------------------------|----------|--------------------------|
| Reviews completed            | 2031     | 22%                      |
| Quality assurance completed  | 538      | 6%                       |
| Provided to CSC              | 269      | 3%                       |
| No change required to record | 68       | 1%                       |

The number of potentially affected members at the commencement of the project was 9,302. The stages identified above reflect the progression of records through the process. An additional 258 reviews were completed in April and 42 quality assurances. No additional reviews were provided to CSC as they have yet to respond to the last batch.

CSC has advised this is a busy time of year for them as they produce the annual certificates for fund members.

Additional resources are being trained at present. This impacts productivity in the short term.

### Communication

#### Members

The most recent communication provided to potentially affected members was emailed on 27 March 2020. This provided notification of the possibility of impacts on progress of the changes to work practices required in response to COVID-19.

The team is working predominately remotely. The risk is being managed through scanning and filing employee file pay file information in order for it to remain accessible to those team members offsite undertaking reviews and quality assurance.

There has been no interaction regarding the superannuation project on the AFP discussion forum for weeks. The theme of the email traffic to the project team inbox is in relation to members seeking to understand the timing of their particular outcome and general concern with the time taken to deliver project outcomes.

There has been a recent influx of members seeking clarification on the progress with the treatment of rent free accommodation. This seems to be in response to the recent publication of Questions on Notice responses from the most recent Senate Estimates hearing. The Department of Finance responded to a range of questions on the topic of rent free accommodation where they stated it was the agency's responsibility to pay the correct superannuation. Members have assumed this means the issue is resolved and we should be rectifying their superannuation to include any rent free accommodation. This is not the case. The Department of Finance continues to consider the issue.

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# AFP

AUSTRALIAN FEDERAL POLICE

31 July 2020

Mr Glenn Jordan  
Director – General Protections  
GPO Box 9887, Hobart TAS 7001  
Level 5, 2-4 Kirksway Place, Battery Point TAS 7004  
By email: s 47E(c)

Dear Mr Jordan,

The report on progress of the superannuation rectification project s 22(1)(a)(ii) for May and June is attached. This outlines the progress with reviews and corrective action undertaken.

Should you require further detail on the content provided or additional content please contact me on s 47E(c) @afp.gov.au.

Yours sincerely

s 47E(c)

Tarnya Gersbach  
Acting Chief Finance Officer

# Reporting to Fair Work Ombudsman – July 2020

## Superannuation

### Status update

The position of the superannuation project as the end of June 2020:

| Category                     | Quantity | Percentage of Population |
|------------------------------|----------|--------------------------|
| Reviews completed            | 4,563    | 49%                      |
| Quality assurance completed  | 660      | 7%                       |
| Provided to CSC              | 237      | 3%                       |
| No change required to record | 69       | 1%                       |

The number of potentially affected members at the commencement of the project was 9,302. The stages identified above reflect the progression of records through the process. During May and June 2,532 reviews were undertaken and 123 quality assurances. The CSC have received 237 reviews for consideration and 69 members were advised of no change to their superannuation record.

CSC have advised this is a busy time of year for them as they produce the annual certificates for fund members.

The additional resources recently engaged on the project have resulted in a significant increase in reviews however highlights a bottle neck with the quality assurance process. Resourcing opportunities for this part of the process are being considered.

### Communication

#### Members

The most recent communication provided to potentially affected members was emailed on June 5 2020. This provided further clarification of the impacts on progress of the changes to work practices required in response to COVID-19.

Members were advised the project team increased in numbers with around 40% of reviews completed with the focus now on the quality assurance process however the 31 December timeframe remains achievable.

We encouraged members not to reach into CSC for advice on progress as they are not in a position to assist and any redirection of effort from their part will only slow down their work on the rectification.

Member engagement of late has been associated with information to assist in determining any superannuation cash out under the COVID opportunities and the ongoing debate with the Department of Finance on the rent free accommodation allowance.

The project is not considering the rent free accommodation rectification under this phase of work. Further guidance from the Department of Finance is required.



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15 September 2020

Mr Glenn Jordan  
Director – General Protections  
GPO Box 9887, Hobart TAS 7001  
Level 5, 2-4 Kirksway Place, Battery Point TAS 7004  
By email: s 47E(c)

Dear Mr Jordan,

The report on progress of the superannuation rectification project s 22(1)(a)(ii) for July and August is attached. This outlines the progress with reviews and corrective action undertaken.

Should you require further detail on the content provided or additional content please contact me on s 47E(c) @afp.gov.au.

Yours sincerely

s 47E(c)

Tarnya Gersbach  
Acting Chief Finance Officer

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## Reporting to Fair Work Ombudsman – September 2020

### Superannuation

#### Status update

The position of the superannuation project as the end of August 2020:

| Category                     | Quantity | Percentage of Population |
|------------------------------|----------|--------------------------|
| Reviews completed            | 7,536    | 81%                      |
| Quality assurance completed  | 892      | 9%                       |
| Provided to CSC              | 406      | 4%                       |
| No change required to record | 69       | 1%                       |

The number of potentially affected members at the commencement of the project was 9,302. The stages identified above reflect the progression of records through the process. During July and August 2,973 reviews were undertaken and 232 quality assurances. Over the course of the project the CSC have received 406 reviews for consideration and 69 members were advised of no change to their superannuation record.

The additional resources engaged on the project have resulted in a significant increase in reviews however highlights a bottle neck with the quality assurance process. Resourcing opportunities for this part of the process are being considered.

#### Communication

##### Members

There has been no communication with members since the June release mentioned in the July update. Given the interest in the treatment of rent free accommodation we were anticipating incorporating a position in the next communication. However, further work is underway with the Department of Finance and the Attorney General's Department on the whole of Government position.

It is proposed a project update will be provided this month with no position on rent free accommodation.

##### Unions (AFPA)

The acting COO and acting CFO met with the unions last month and the discussion included the superannuation project and its progress. The AFPA were pleased with the progress on the reviews and have brought to the attention of the project some members in vulnerable situations for more urgent consideration where possible. The AFPA sought to understand the rent free accommodation issue and recognise the whole of Government approach is appropriate.

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7 October 2020

Mr Glenn Jordan  
Director – General Protections  
GPO Box 9887, Hobart TAS 7001  
Level 5, 2-4 Kirksway Place, Battery Point TAS 7004  
By email: [REDACTED] s 47E(c)

Dear Mr Jordan,

The report on progress of the superannuation rectification project [REDACTED] s 22(1)(a)(ii)  
s 22(1)(a)(i) for September is attached. This outlines the progress with reviews and corrective action undertaken.

Should you require further detail on the content provided or additional content please contact me on [REDACTED] s 47E(c) @afp.gov.au.

Yours sincerely

[REDACTED]  
s 47E(c)

Tarnya Gersbach  
Acting Chief Finance Officer

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## Reporting to Fair Work Ombudsman – October 2020

### Superannuation

#### Status update

The position of the superannuation project as the end of September 2020:

| Category                     | Quantity | Percentage of Population |
|------------------------------|----------|--------------------------|
| Reviews completed            | 7,900    | 85%                      |
| Quality assurance completed  | 1,025    | 11%                      |
| Provided to CSC              | 446      | 4%                       |
| No change required to record | 97       | 1%                       |

The number of potentially affected members at the commencement of the project was 9,302. The stages identified above reflect the progression of records through the process. During September 364 reviews were undertaken and 133 quality assurances, CSC have received 40 reviews for consideration and 28 members were advised of no change to their superannuation record.

#### Communication

##### Members

There has been no communication with members since the June release. Given the interest in the treatment of rent free accommodation we were anticipating incorporating a position in the next communication. However, further work is underway with the Department of Finance and the Attorney General's Department on the whole of Government position.

It is proposed a project update will be provided this month after the Board meeting with no position on rent free accommodation.

##### Unions (AFPA)

The Commissioner, acting COO and acting CFO are scheduled to meeting with the unions later I the month.

s 22(1)(a)(ii)



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5 November 2020

Mr Glenn Jordan  
Director – General Protections  
GPO Box 9887, Hobart TAS 7001  
Level 5, 2-4 Kirksway Place, Battery Point TAS 7004  
By email: [REDACTED] s 47E(c)

Dear Mr Jordan,

The report on progress of the superannuation rectification project [REDACTED] s 22(1)(a)(ii)  
[REDACTED] s 22(1)(a)(ii) for October is attached. This outlines the progress with reviews and corrective action  
undertaken.

Should you require further detail on the content provided or additional content please contact me  
on [REDACTED] s 47E(c) [REDACTED] @afp.gov.au.

Yours sincerely

[REDACTED]  
s 47E(c)

Tarnya Gersbach  
Acting Chief Finance Officer

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## Reporting to Fair Work Ombudsman – November 2020

### Superannuation

#### Status update

The position of the superannuation project as the end of October 2020:

| Category                     | Quantity | Percentage of Population |
|------------------------------|----------|--------------------------|
| Reviews completed            | 8,152    | 88%                      |
| Quality assurance completed  | 1,257    | 14%                      |
| Provided to CSC              | 538      | 6%                       |
| No change required to record | 109      | 1%                       |

The number of potentially affected members at the commencement of the project was 9,302. The stages identified above reflect the progression of records through the process. During October 252 reviews were undertaken and 232 quality assurances, CSC have received 92 reviews for consideration and 12 members were advised of no change to their superannuation record.

The lower reviews in the last few months is predominately due to the redirection of resources to prepare the data of the member on compensation. These are complicated cases and need additional preparation steps. This process has now been completed.

#### Communication

##### Members

A project update was provided to members on the 27<sup>th</sup> of October. Given the interest in the treatment of rent free accommodation we were anticipating incorporating a position into this communication item. However further work is underway with the Department of Finance and the Attorney General's Department to determine the whole of Government position.

There was therefore no update on rent free accommodation incorporated into this communication.

##### Unions (AFPA)

The Commissioner, acting COO and acting CFO met with the AFPA on the 14<sup>th</sup> of October. This meeting covered a range of issues though included discussion of superannuation.



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