



**AFP**

# **AFP Consultative Committee**

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## 1. Purpose

- 1.1.1. The AFP *Enterprise Agreement 2024 – 2027* (the EA) sets out requirements on the AFP to consult with employees and relevant unions on workplace matters and provides that a consultative committee be established to discuss relevant workplace matters.
- 1.1.2. The AFP Consultative Committee (ACC) is a forum for consultation and communication between AFP Senior Executive Service (SES), employees and union representatives on matters relating to:
  - the application, interpretation or implementation of the EA;
  - proposed major changes to policies, procedures and guidelines, or the introduction of new policies, procedures and guidelines, relating to any matter covered by the EA; and
  - proposed changes to employment conditions that are likely to significantly or materially impact AFP employees collectively.
- 1.1.3. The ACC is not a forum for considering employment decisions or disputes. The ACC does not make decisions on matters referred to it for consultation.
- 1.1.4. These Terms of Reference articulate the principles and set out guidance on the operation of the ACC, in accordance with the EA.

## 2. Scope

- 2.1.1. These Terms of Reference apply to all members of the ACC.

## 3. Statement of intent

- 3.1.1. The AFP is committed to fostering a collaborative and consultative work environment with open and honest communication with employees, management and unions. It is the AFP's intent to enable this through a robust, efficient and effective consultation process on matters pertaining to the EA and related people policies, procedures and guidelines.

## 4. Principles

- 4.1.1. Consultation refers to the process of seeking and considering the views of employees prior to making decisions that are likely to impact them in the workplace.
- 4.1.2. Requirements to consult in the workplace are set out in the *Fair Work Act 2009 (Cth)* and the EA.
- 4.1.3. The ACC is an important forum to consult on matters concerning proposed changes or decisions that may impact the workforce and their employment conditions.
- 4.1.4. The AFP's commitment to consultation should not be interpreted as impeding decision makers from making operational decisions as part of their delegation.
- 4.1.5. Consultation provides a genuine opportunity to influence a decision or the implementation of a decision.
- 4.1.6. Consultation should be inclusive and prioritise collaboration at all levels.
- 4.1.7. The case for change will balance both strategy and people requirements.
- 4.1.8. Approved ACC meeting minutes are to be made accessible to all employees.

## 5. Roles and Responsibilities

### 5.1. Chair

5.1.1. The role of the Chair is to:

- ensure all ACC members are aware of their roles and responsibilities;
- guide discussions during ACC meetings to ensure all agenda items are addressed and the discussions are conducted within the purpose of the ACC's role;
- ensure all ACC members are provided with the reasonable opportunity to raise and discuss issues at meetings;
- ensure all discussions during ACC meetings are undertaken in a respectful manner;
- ensure the discussion and issues raised at the ACC meetings are formally and accurately recorded and a copy is distributed to all ACC members and relevant decision makers within a reasonable time frame; and
- ensure all action items arising from meetings are implemented in an efficient manner or escalated appropriately when reasonable.

### 5.2. Deputy Chair

5.2.1. The role of the Deputy Chair is to:

- perform duties as the Chair when the Chair is absent from an ACC meeting; and
- attend scheduled ACC meetings and provide support to the Chair, as required.

### 5.3. SES representatives

5.3.1. The primary role of SES Representatives is to ensure discussions and recommendations align with the strategic direction of the AFP, consistent with the role of the ACC.

5.3.2. SES representatives must be substantive SES employees.

5.3.3. Additional responsibilities of the SES Representatives include:

- understanding the purpose of their role and the ACC Terms of Reference;
- taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way;
- facilitating active engagement and input at level (or equivalent) peers across the AFP including, sharing their views, concerns and recommendations on matters to be considered through ACC meetings; and
- considering proposed changes and/or identified issues at meetings in the context of their portfolio and the broader AFP.

### 5.4. Employee representatives

5.4.1. The primary role of the Employee Representative is to represent their colleagues within their portfolio on matters consistent with the role of the ACC:

5.4.2. Additional responsibilities of the Employee Representatives include:

- understanding the purpose of their position and the ACC Terms of Reference;

- taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way;
- facilitating active engagement and seeking input from all business areas across their portfolio, including sharing their views, concerns and recommendations on matters impacting them to be considered through ACC meetings;
- balancing their role as a representative for their portfolio and the need of the ACC to respect the interests of the wider workforce;
- enabling transparent and ongoing communication and information sharing between employees and the ACC;
- making recommendations concerning ACC matters within their portfolio; and
- providing feedback to employees they represent on the outcomes and discussions following the ACC meetings.

## 5.5. Union representatives

5.5.1. The primary role of the Union Representatives is to represent their union members and eligible employees on matters consistent with the role of the ACC:

5.5.2. Additional responsibilities of the Union Representatives include:

- understanding the purpose of their position and the ACC Terms of Reference;
- taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way;
- facilitating active engagement and seeking input from their union members and eligible employees, including sharing their views, concerns and recommendations on matters impacting them to be considered through ACC meetings;
- balancing their role as a representative for their union members and the need of the ACC to respect the interests of the wider workforce;
- enabling transparent and ongoing communication and information sharing between union members, eligible employees and the ACC; and
- providing feedback to union members they represent and eligible employees on the outcomes and discussions following the ACC meetings.

## 5.6. Secretariat

5.6.1. Secretariat support will be provided by People Services.

5.6.2. The role of the secretariat is to:

- engage with representatives of diversity networks to ensure feedback is received on relevant agenda items prior to the ACC meetings. Where the Chair determines a diversity group(s) attendance, the diversity group(s) will be invited by exception.
- prepare and distribute agenda and issue notices for meetings, and ensure all necessary documentation requiring discussion or comment are attached to the agenda;
- prepare and distribute the draft minutes to ACC members after the meeting for review, comment and approval; and
- provide outcomes of meetings to relevant parties of affected areas for consideration in final decision making in implementing the proposed workplace change.

## 6. Membership

6.1.1. The ACC comprises the following:

- One (1) Chair
- One (1) Deputy Chair
- Five (5) SES Representatives (SES Band 1 or Band 2) (one from each Deputy Commissioner (DC)/ Chief Operating Officer (COO)/Chief of Staff (CoS) portfolio, sworn/unsworn, gender balance)
- Five (5) Employee Representatives (one from each DC/COO/CoS portfolio, sworn/unsworn, gender balance)
- Four (4) Union Representatives

6.1.2. Membership table:

Role	Position
Chair	National Manager People Command
Deputy Chair	Manager People Services
SES Representative	DCC Portfolio
SES Representative	DCNS Portfolio
SES Representative	DCI&SC Portfolio
SES Representative	ACTP Portfolio
SES Representative	COO/CoS Portfolio
Employee Representative	DCC Portfolio
Employee Representative	DCNS Portfolio
Employee Representative	DCI&SC Portfolio
Employee Representative	ACTP Portfolio
Employee Representative	COO/CoS Portfolio
Union Representative	AFPA
Union Representative	AFPA
Union Representative	CPSU
Union Representative	CPSU

## 7. Meetings

- 7.1.1. ACC meetings will be scheduled quarterly in Canberra unless otherwise agreed. This does not prevent additional sessions, ad hoc meetings or out of session consultation occurring as required.
- 7.1.2. ACC meetings will be made accessible to members who wish to attend via teleconference/video conference where they are working flexibly or located outside of Canberra.
- 7.1.3. Reasonable adjustments will be made to facilitate the effective participation of all members. The Chair will determine what constitutes reasonable adjustments on a case-by-case basis.
- 7.1.4. A quorum will be called when at least the following are present, in order for genuine consultation to occur:

- Chair (or Deputy Chair);
- one (1) Management Representative;
- one (2) Employee Representative; and
- one (1) Union Representative from each organisation.

- 7.1.5. Minutes of the ACC meetings will not be a verbatim record of all matters discussed but will reflect the scope of the discussion, including meeting details and the attendance of members.
- 7.1.6. In the case that any agenda items have not been discussed before the end of the meeting, members will discuss the appropriateness of carrying over agenda items to the next meeting, or scheduling an additional meeting to address the outstanding items.

### Guests

- 7.1.7. Subject-matter experts and identified stakeholders (non-members) may be invited with the approval of the Chair to provide specialist advice or subject matter expertise to support the discussion in consideration of a particular agenda item.
- 7.1.8. The ACC may, from time-to-time, enter into closed-door-discussion and excuse all guests from the meeting.

### Proxies

- 7.1.9. In the event that an Employee Representative of the ACC is unable to attend a meeting, then the Secretariat will arrange for an alternative proxy to attend and represent this employee representative.
- 7.1.10. To appoint a proxy, the Secretariat will seek nominations from interested AFP employees who applied to be an employee representative. Where there are multiple employee representatives for one portfolio, a ballot election process will be undertaken to select the employee representative and proxy for that portfolio. This ballot election process will be facilitated by the ACC Secretariat.
- 7.1.11. Should the Secretariat not receive enough nominations for the five (5) employee representatives and five (5) proxies, the Secretariat will facilitate a separate proxy nomination process seeking interested employees to undertake these roles.
- 7.1.12. An individual can only hold one (1) proxy.
- 7.1.13. A proxy appointment lasts for one (1) committee meeting and ends after the meeting.

### Agenda, papers and minutes

- 7.1.14. Nominations of agenda items for consideration by the ACC Chair should be submitted to the Secretariat at any time up to four (4) weeks before the next scheduled meeting, with any related papers to be submitted to the Secretariat three (3) weeks before the scheduled meeting.
- 7.1.15. The final agenda and papers (including minutes from the previous meeting) will be distributed to the ACC members at least one (1) week prior to the scheduled meeting.
- 7.1.16. Approved ACC meeting minutes will be distributed to ACC members and published on the AFP intranet for access by all employees.
- 7.1.17. The timeframes listed above will be followed as far as practicable and when it becomes necessary to depart from them, the Secretariat will communicate this to the ACC members as soon as practicable.

## 8. Appointments

- 8.1.1. SES and Employee Representatives are appointed for a 12-month period following an election process.

### Employee Representatives

- 8.1.2. On commencement of a new AFP EA, the Secretariat will undertake a call for nominations from band 1-8 and Executive Level employees interested in participating in the ACC on behalf of their AFP portfolio.
- 8.1.3. The Chair of the ACC will seek nominations in the form of an email to all band 1-8 and Executive Level employees from each portfolio. Nominees will provide 150 – 200 words outlining why they would like to be an employee representative and confirm supervisor approval to participate (to ensure the supervisor is aware of the employees nomination and there are no conflicting workloads and/or operational priorities).
- 8.1.4. If more than five (5) nominations are received for the five (5) vacant employee representative positions, portfolio employees will undertake a ballot election process (vote) for their employee representative for their portfolio. This ballot election process will be facilitated by the ACC Secretariat.
- 8.1.5. The nominees 150-200 word pitch will also be provided as supporting information to the COO to assist in their consideration of whether to approve employee representatives.
- 8.1.6. Should there be a tie between employee representatives via the ballot election process, the COO will make the final decision on the employee representative for that portfolio.
- 8.1.7. Current employee representatives may renominate to be an Employee Representative.
- 8.1.8. Employee nominations will be solely managed by the Secretariat.

### SES Representatives

- 8.1.9. On commencement of a new AFP Enterprise Agreement, the Secretariat will undertake a call for nominations from SES Band 1 and Band 2 members interested in participating in the ACC.
- 8.1.10. Management representatives will be nominated by the COO/DCs.
- 8.1.11. Current Management Representatives may renominate to be a Management Representative.

### Union Representatives

- 8.1.12. On commencement of a new AFP Enterprise Agreement, the Unions can nominate representatives who are a Union Official to participate in the ACC.

### Stepping down

- 8.1.13. Members of the ACC may step down at any time by giving written notice of four (4) weeks to the Chair via the Secretariat.
- 8.1.14. Upon receiving written notice, the Chair will promptly seek to appoint a new member following the election process outlined at 8.1.1.
- 8.1.15. Should an ACC member temporarily move to another portfolio or another organisation, they are required to temporarily step down from the ACC. The Secretariat will promptly seek to appoint a new member who will temporarily backfill the vacant position.

**Conduct and Integrity**

- 8.1.16. The COO holds final decision on who will be the employee and management representatives. Any known integrity concerns that may impact on their ability to meet these requirements will be taken into consideration to ensure employee and management representatives uphold the AFP integrity to the highest standard and reflect the AFP values when representing their portfolio.
- 8.1.17. Where an integrity concern is identified, the employee or management representative will be unable to participate in the committee or be considered for a position on the committee until such time as this is resolved.
- 8.1.18. All members must demonstrate appropriate standards of behaviour to support the efficient operation of the ACC, including acting with professionalism and treating other committee members with respect and courtesy.
- 8.1.19. If ACC members are seen to behave in an inappropriate manner not consistent with their role and responsibilities, the Chair may take appropriate action, including terminating their position on the ACC.
- 8.1.20. All members must declare to the Chair any conflicts of interest, whether they are real or perceived.

**9. Relationship to other committees**

- 9.1.1. It is not intended that there should be duplication between the role and functions of other AFP consultative forums and this committee.
- 9.1.2. Another decision-making committee, forum or working group may refer a matter that falls within the scope of the ACC for consultation, prior to a final being decision made.
- 9.1.3. When a decision is required, the ACC will progress agenda items to the relevant AFP Committee within the AFP Strategic Governance Framework.
- 9.1.4. The COO will have final decision-making rights on matters within the ACC remit.

**10. Version Control**

Version Number	Date of Issue	Author/s	Delegate	Brief description of change/s
0.1	DD.MM.YYYY			Creation of the AFP Consultative Committee



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## 1. Purpose

- 1.1.1. The AFP *Enterprise Agreement 2024 – 2027* (the EA) sets out requirements on the AFP to consult with employees and relevant unions on workplace matters and provides that a consultative committee be established to discuss relevant workplace matters.
- 1.1.2. The AFP Consultative Committee (ACC) is a forum for consultation and communication between AFP Senior Executive Service (SES), employees and union representatives on matters relating to:
  - the application, interpretation or implementation of the EA;
  - proposed major changes to policies, procedures and guidelines, or the introduction of new policies, procedures and guidelines, relating to any matter covered by the EA; and
  - proposed changes to employment conditions that are likely to significantly or materially impact AFP employees collectively.
- 1.1.3. The ACC is not a forum for considering employment decisions or disputes. The ACC does not make decisions on matters referred to it for consultation.
- 1.1.4. These Terms of Reference articulate the principles and set out guidance on the operation of the ACC, in accordance with the EA.

## 2. Scope

- 2.1.1. These Terms of Reference apply to all members of the ACC.

## 3. Statement of intent

- 3.1.1. The AFP is committed to fostering a collaborative and consultative work environment with open and honest communication with employees and unions. It is the AFP's intent to enable this through a robust, efficient and effective consultation process on matters pertaining to the EA and related people policies, procedures and guidelines.

## 4. Principles

- 4.1.1. Consultation refers to the process of seeking and considering the views of employees prior to making decisions that are likely to impact them in the workplace.
- 4.1.2. Requirements to consult in the workplace are set out in the *Fair Work Act 2009 (Cth)* and the EA.
- 4.1.3. The ACC is an important forum to consult on matters concerning proposed changes or decisions that may impact the workforce and their employment conditions.
- 4.1.4. The AFP's commitment to consultation should not be interpreted as impeding decision makers from making operational decisions as part of their delegation.
- 4.1.5. Consultation provides a genuine opportunity to influence a decision or the implementation of a decision.
- 4.1.6. Consultation should be inclusive and prioritise collaboration at all levels.
- 4.1.7. The case for change will balance both strategy and people requirements.
- 4.1.8. Approved ACC meeting minutes are to be made accessible to all employees.

## 5. Roles and Responsibilities

### 5.1. Chair

5.1.1. The role of the Chair is to:

- ensure all ACC members are aware of their roles and responsibilities;
- guide discussions during ACC meetings to ensure all agenda items are addressed and the discussions are conducted within the purpose of the ACC's role;
- ensure all ACC members are provided with the reasonable opportunity to raise and discuss issues at meetings;
- ensure all discussions during ACC meetings are undertaken in a respectful manner;
- ensure the discussion and issues raised at the ACC meetings are formally and accurately recorded and a copy is distributed to all ACC members and relevant decision makers within a reasonable time frame; and
- ensure all action items arising from meetings are implemented in an efficient manner or escalated appropriately when reasonable.

### 5.2. Deputy Chair

5.2.1. The role of the Deputy Chair is to:

- perform duties as the Chair when the Chair is absent from an ACC meeting; and
- attend scheduled ACC meetings and provide support to the Chair, as required.

### 5.3. SES representatives

5.3.1. The primary role of SES Representatives is to ensure discussions and recommendations align with the strategic direction of the AFP, consistent with the role of the ACC.

5.3.2. SES representatives must be substantive SES employees.

5.3.3. Additional responsibilities of the Management Representatives include:

- understanding the purpose of their role and the ACC Terms of Reference;
- taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way;
- facilitating active engagement and input at level (or equivalent) peers across the AFP including, sharing their views, concerns and recommendations on matters to be considered through ACC meetings; and
- considering proposed changes and/or identified issues at meetings in the context of their portfolio and the broader AFP.

### 5.4. Employee representatives

5.4.1. The primary role of the Employee Representative is to represent their colleagues within their portfolio on matters consistent with the role of the ACC:

5.4.2. Additional responsibilities of the Employee Representatives include:

- understanding the purpose of their position and the ACC Terms of Reference;

- taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way;
- facilitating active engagement and seeking input from all business areas across their portfolio, including sharing their views, concerns and recommendations on matters impacting them to be considered through ACC meetings;
- balancing their role as a representative for their portfolio and the need of the ACC to respect the interests of the wider workforce;
- enabling transparent and ongoing communication and information sharing between employees and the ACC;
- making recommendations concerning ACC matters within their portfolio; and
- providing feedback to employees they represent on the outcomes and discussions following the ACC meetings.

## 5.5. Union representatives

5.5.1. The primary role of the Union Representatives is to represent their union members and eligible employees on matters consistent with the role of the ACC:

5.5.2. Additional responsibilities of the Union Representatives include:

- understanding the purpose of their position and the ACC Terms of Reference;
- taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way;
- facilitating active engagement and seeking input from their union members and eligible employees, including sharing their views, concerns and recommendations on matters impacting them to be considered through ACC meetings;
- balancing their role as a representative for their union members and the need of the ACC to respect the interests of the wider workforce;
- enabling transparent and ongoing communication and information sharing between union members, eligible employees and the ACC; and
- providing feedback to union members they represent and eligible employees on the outcomes and discussions following the ACC meetings.

## 5.6. Secretariat

5.6.1. Secretariat support will be provided by People Services.

5.6.2. The role of the secretariat is to:

- engage with representatives of diversity networks to ensure feedback is received on relevant agenda items prior to the ACC meetings. Where the Chair determines a diversity group(s) attendance, the diversity group(s) will be invited by exception.
- prepare and distribute agenda and issue notices for meetings, and ensure all necessary documentation requiring discussion or comment are attached to the agenda;
- prepare and distribute the draft minutes to ACC members after the meeting for review, comment and approval; and
- provide outcomes of meetings to relevant parties of affected areas for consideration in final decision making in implementing the proposed workplace change.

## 6. Membership

6.1.1. The ACC comprises the following:

- One (1) Chair
- One (1) Deputy Chair
- Three (3) SES Representatives (SES Band 1 or Band 2) (sworn/unsworn, gender balance)
- Five (5) Employee Representatives (one from each Deputy Commissioner (DC)/ Chief Operating Officer (COO) portfolio, sworn/unsworn, gender balance)
- Four (4) Union Representatives

6.1.2. Membership table:

Role	Position
Chair	National Manager People Command
Deputy Chair	Manager People Services
SES Representative	SES Band 1/ Band 2
SES Representative	SES Band 1/ Band 2
SES Representative	SES Band 1/ Band 2
Employee Representative	DCC Portfolio
Employee Representative	DCNS Portfolio
Employee Representative	DCI&SC Portfolio
Employee Representative	ACTP Portfolio
Employee Representative	COO Portfolio
Union Representative	AFPA
Union Representative	AFPA
Union Representative	CPSU
Union Representative	CPSU

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- 7.1.1. ACC meetings will be scheduled quarterly in Canberra unless otherwise agreed. This does not prevent additional sessions, ad hoc meetings or out of session consultation occurring as required.
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- Chair (or Deputy Chair);
  - one (1) Management Representative;
  - one (2) Employee Representative; and

- one (1) Union Representative from each organisation.

- 7.1.5. Minutes of the ACC meetings will not be a verbatim record of all matters discussed but will reflect the scope of the discussion, including meeting details and the attendance of members.
- 7.1.6. In the case that any agenda items have not been discussed before the end of the meeting, members will discuss the appropriateness of carrying over agenda items to the next meeting, or scheduling an additional meeting to address the outstanding items.

### **Guests**

- 7.1.7. Subject-matter experts and identified stakeholders (non-members) may be invited with the approval of the Chair to provide specialist advice or subject matter expertise to support the discussion in consideration of a particular agenda item.
- 7.1.8. The ACC may, from time-to-time, enter into closed-door-discussion and excuse all guests from the meeting.

### **Proxies**

- 7.1.9. In the event that an Employee Representative of the ACC is unable to attend a meeting, then the Secretariat will arrange for an alternative proxy to attend and represent this employee representative.
- 7.1.10. To appoint a proxy, the Secretariat will seek nominations from interested AFP employees who applied to be an employee representative. Where there are multiple employee representatives for one portfolio, a ballot election process will be undertaken to select the employee representative and proxy for that portfolio. This ballot election process will be facilitated by the ACC Secretariat.
- 7.1.11. Should the Secretariat not receive enough nominations for the five (5) employee representatives and five (5) proxies, the Secretariat will facilitate a separate proxy nomination process seeking interested employees to undertake these roles.
- 7.1.12. An individual can only hold one (1) proxy.
- 7.1.13. A proxy appointment lasts for one (1) committee meeting and ends after the meeting.

### **Agenda, papers and minutes**

- 7.1.14. Nominations of agenda items for consideration by the ACC Chair should be submitted to the Secretariat at any time up to four (4) weeks before the next scheduled meeting, with any related papers to be submitted to the Secretariat three (3) weeks before the scheduled meeting.
- 7.1.15. The final agenda and papers (including minutes from the previous meeting) will be distributed to the ACC members at least one (1) week prior to the scheduled meeting.
- 7.1.16. Approved ACC meeting minutes will be distributed to ACC members and published on the AFP intranet for access by all employees.
- 7.1.17. The timeframes listed above will be followed as far as practicable and when it becomes necessary to depart from them, the Secretariat will communicate this to the ACC members as soon as practicable.

## **8. Appointments**

- 8.1.1. SES and Employee Representatives are appointed for a 12-month period following an election process.

## Employee Representatives

- 8.1.2. On commencement of a new AFP EA, the Secretariat will undertake a call for nominations from band 1-8 and Executive Level employees interested in participating in the ACC on behalf of their AFP portfolio.
- 8.1.3. The Chair of the ACC will seek nominations in the form of an email to all band 1-8 and Executive Level employees from each portfolio. Nominees will provide 150 – 200 words outlining why they would like to be an employee representative and confirm supervisor approval to participate (to ensure the supervisor is aware of the employees nomination and there are no conflicting workloads and/or operational priorities).
- 8.1.4. If more than five (5) nominations are received for the five (5) vacant employee representative positions, portfolio employees will undertake a ballot election process (vote) for their employee representative for their portfolio. This ballot election process will be facilitated by the ACC Secretariat.
- ~~8.1.5. The COO holds final decision on who will be the employee representatives. The nominees 150-200 word outline will be provided as supporting information in the brief to the COO, to assist the COO when considering and approving the employee representatives.~~
- ~~8.1.5-8.1.6. Should there be a tie between employee representatives via the ballot election process, the COO will make the final decision on the employee representative for that portfolio.~~
- ~~8.1.6-8.1.7. Current Employee Representatives may renominate to be an Employee Representative.~~
- ~~8.1.7-8.1.8. Employee nominations will be solely managed by the Secretariat.~~

## SES Representatives

- ~~8.1.8-8.1.9. On commencement of a new AFP Enterprise Agreement, the Secretariat will undertake a call for nominations from SES Band 1 and Band 2 members interested in participating in the ACC.~~
- ~~8.1.9-8.1.10. The call for nominations will come from National Manager People Command (as the Chair of this committee) in the form of an email to the SES Band 2's seeking two (2) SES Band 1 nominations. The ACC Chair will seek COO consideration to engage with the DCs to select the SES Band 1 and Band 2 SES representatives.~~
- ~~8.1.10-8.1.11. Current Management Representatives may renominate to be a Management Representative.~~

## Union Representatives

- ~~8.1.11-8.1.12. On commencement of a new AFP Enterprise Agreement, the Unions can nominate representatives who may be a Union Official, Union Delegate or Union to participate in the ACC.~~

## Stepping down

- ~~8.1.12-8.1.13. Members of the ACC may step down at any time by giving written notice of four (4) weeks to the Chair via the Secretariat.~~
- ~~8.1.13-8.1.14. Upon receiving written notice, the Chair will promptly seek to appoint a new member following the election process outlined at 8.1.1.~~
- ~~8.1.14-8.1.15. Should an ACC member temporarily move to another portfolio or another organisation, they are required to temporarily step down from the ACC. The Secretariat will promptly seek to appoint a new member who will temporarily backfill the vacant position.~~

**Conduct**

~~8.1.15~~-8.1.16. All members must demonstrate appropriate standards of behaviour to support the efficient operation of the ACC, including acting with professionalism and treating other committee members with respect and courtesy.

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Terms of Reference

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## 1. Purpose

- 1.1.1. The AFP *Enterprise Agreement 2024 – 2027* (the EA) sets out requirements on the AFP to consult with employees and relevant unions on workplace matters and provides that a consultative committee be established to discuss relevant workplace matters.
- 1.1.2. The AFP Consultative Committee (ACC) is a forum for consultation and communication between AFP Senior Executive Service (SES), employees and union representatives on matters relating to:
- the application, interpretation or implementation of the EA;
  - proposed major changes to policies, procedures and guidelines, or the introduction of new policies, procedures and guidelines, relating to any matter covered by the EA; and
  - proposed changes to employment conditions that are likely to significantly or materially impact AFP employees collectively.
- 1.1.3. The ACC is not a forum for considering employment decisions or disputes. The ACC does not make decisions on matters referred to it for consultation.
- 1.1.4. These Terms of Reference articulate the principles and set out guidance on the operation of the ACC, in accordance with the EA and may be reviewed at any time by the ACC, as agreed to by the ACC.

## 2. Scope

- 2.1.1. These Terms of Reference apply to all members of the ACC.

## 3. Statement of intent

- 3.1.1. The AFP is committed to fostering a collaborative and consultative work environment with open and honest communication with employees, SES and unions. It is the AFP's intent to enable this through a robust, efficient and effective consultation process on matters pertaining to the EA and related people policies, procedures and guidelines.

## 4. Principles

- 4.1.1. Consultation refers to the process of seeking and considering the views of employees prior to making decisions that are likely to impact them in the workplace.
- 4.1.2. Requirements to consult in the workplace are set out in the *Fair Work Act 2009 (Cth)* and the EA.
- 4.1.3. The ACC is an important forum to consult on matters concerning proposed changes or decisions that may impact the workforce and their employment conditions.
- 4.1.4. The AFP's commitment to consultation should not be interpreted as impeding decision makers from making operational decisions as part of their delegation.
- 4.1.5. Consultation provides a genuine opportunity to influence a decision or the implementation of a decision.
- 4.1.6. Consultation should be inclusive and prioritise collaboration at all levels.
- 4.1.7. The case for change will balance both strategy and people requirements.
- ~~4.1.8.~~ Approved ACC meeting minutes are to be made accessible to all employees.

~~4.1.8~~4.1.9.

## 5. Roles and Responsibilities

### 5.1. Chair

5.1.1. The role of the Chair is to:

- ensure all ACC members are aware of their roles and responsibilities;
- guide discussions during ACC meetings to ensure all agenda items are addressed and the discussions are conducted within the purpose of the ACC's role;
- ensure all ACC members are provided with the reasonable opportunity to raise and discuss issues at meetings;
- ensure all discussions during ACC meetings are undertaken in a respectful manner;
- ensure the discussion and issues raised at the ACC meetings are formally and accurately recorded and a copy is distributed to all ACC members and relevant decision makers within a reasonable time frame; and
- ensure all action items arising from meetings are implemented in an efficient manner or escalated appropriately when reasonable.

### 5.2. Deputy Chair

5.2.1. The role of the Deputy Chair is to:

- perform duties as the Chair when the Chair is absent from an ACC meeting; and
- attend scheduled ACC meetings and provide support to the Chair, as required.
- 

### 5.3. Representative responsibilities

5.3.1. All ACC representative responsibilities include:

- understanding the purpose of their position and the ACC Terms of Reference;
- taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way; and
- enabling transparent and ongoing communication and information sharing between union members, eligible employees and the ACC.

Formatted: List Bullet 3

#### 5.3.5.4. SES representatives

5.3.1.5.4.1. The primary role of SES Representatives is to ensure discussions and recommendations align with the strategic direction of the AFP, consistent with the role of the ACC.

5.3.2.5.4.2. SES representatives must be substantive SES employees.

5.3.3.5.4.3. Additional responsibilities of the SES Representatives include:

- facilitating active engagement and input of at level (or equivalent) of peers across the AFP including, sharing their views, concerns and recommendations on matters to be considered through ACC meetings; and

- considering proposed changes to supporting governance and frameworks and interpretation outside of the FA and/or identified issues at meetings in the context of their portfolio and the broader AFP.

#### 5.4.5.5. Employee representatives

5.4.1.5.5.1. The primary role of the Employee Representative is to represent their colleagues within their portfolio on matters consistent with the role of the ACC:

5.4.2.5.5.2. Additional responsibilities of the Employee Representatives include:

- facilitating active engagement and seeking input from all business areas across their portfolio, including sharing their views, concerns and recommendations on matters impacting them to be considered through ACC meetings;
- balancing their role as a representative for their portfolio and the need of the ACC to respect the interests of the wider workforce;
- ~~enabling transparent and ongoing communication and information sharing between employees and the ACC;~~
- making recommendations concerning ACC matters within their portfolio; and
- providing feedback to employees they represent on the outcomes and discussions following the ACC meetings.

#### 5.5.5.6. Union representatives

5.5.1.5.6.1. The primary role of the Union Representatives is to represent their union members and eligible employees on matters consistent with the role of the ACC:

5.5.2.5.6.2. Additional responsibilities of the Union Representatives include:

- ~~understanding the purpose of their position and the ACC Terms of Reference;~~
- ~~taking the time to read agenda papers, attending scheduled ACC meetings and actively participating in discussions in a respectful way;~~
- facilitating active engagement and seeking input from their union members and eligible employees, including sharing their views, concerns and recommendations on matters impacting them to be considered through ACC meetings;
- ~~balancing their role as a representative for their union members and the need of the ACC to respect the interests of the wider workforce;~~
- ~~enabling transparent and ongoing communication and information sharing between union members, eligible employees and the ACC; and~~
- ~~providing feedback to union members they represent and eligible employees on the outcomes and discussions following the ACC meetings: and.~~
- making recommendations concerning ACC matters within the unions remit.

#### 5.6.5.7. Secretariat

5.6.1.5.7.1. Secretariat support will be provided by People Services.

5.6.2.5.7.2. The role of the secretariat is to:

- engage with representatives of diversity networks to ensure feedback is received on relevant agenda items prior to the ACC meetings. Where the Chair determines a diversity group(s) attendance, the diversity group(s) will be invited by exception.
- prepare and distribute agenda and issue notices for meetings, and ensure all necessary documentation requiring discussion or comment are attached to the agenda;
- prepare and distribute the draft minutes to ACC members after the meeting for review, comment and approval; and
- provide outcomes of meetings to relevant parties of affected areas for consideration in final decision making in implementing the proposed workplace change.

## 6. Membership

6.1.1. The ACC comprises the following:

- One (1) Chair
- One (1) Deputy Chair
- Five (5) SES Representatives (SES Band 1 or Band 2) (one from each Deputy Commissioner (DC)/ Chief Operating Officer (COO)/Chief of Staff (CoS) portfolio, sworn/unsworn, gender balance)
- Five (5) Employee Representatives (one from each DC/COO/CoS portfolio, sworn/unsworn, gender balance)
- Four (4) Union Representatives

6.1.2. Membership table:

Role	Position
Chair	National Manager People Command
Deputy Chair	Manager People Services
SES Representative	DCC Portfolio
SES Representative	DCNS Portfolio
SES Representative	DCI&SC Portfolio
SES Representative	ACTP Portfolio
SES Representative	COO/CoS Portfolio
Employee Representative	DCC Portfolio
Employee Representative	DCNS Portfolio
Employee Representative	DCI&SC Portfolio
Employee Representative	ACTP Portfolio
Employee Representative	COO/CoS Portfolio
Union Representative	AFPA
Union Representative	AFPA
Union Representative	CPSU
Union Representative	CPSU

## 7. Meetings

- 7.1.1. ACC meetings will be scheduled quarterly in Canberra unless otherwise agreed. This does not prevent additional sessions, ad hoc meetings or out of session consultation occurring as required.
- 7.1.2. ACC meetings will be made accessible to members who wish to attend via teleconference/video conference where they are working flexibly or located outside of Canberra.
- 7.1.3. Reasonable adjustments will be made to facilitate the effective participation of all members. The Chair will determine what constitutes reasonable adjustments on a case-by-case basis.
- 7.1.4. A quorum will be called when at least the following are present, in order for genuine consultation to occur:
- Chair (or Deputy Chair);
  - one (1) SES Representative;
  - two (2) Employee Representative; and
  - one (1) Union Representative from each organisation.
- 7.1.5. Minutes of the ACC meetings will not be a verbatim record of all matters discussed but will reflect the scope of the discussion, including meeting details and the attendance of members.
- 7.1.6. In the case that any agenda items have not been discussed before the end of the meeting, members will discuss the appropriateness of carrying over agenda items to the next meeting, or scheduling an additional meeting to address the outstanding items.

### Guests

- 7.1.7. Subject-matter experts and identified stakeholders (non-members) may be invited with the approval of the Chair to provide specialist advice or subject matter expertise to support the discussion in consideration of a particular agenda item.
- 7.1.8. The ACC may, from time-to-time, enter into closed-door-discussion and excuse all guests from the meeting.

### Proxies

- 7.1.9. In the event that an Employee Representative of the ACC is unable to attend a meeting, then the Secretariat will arrange for ~~the an pre-determined~~ alternative proxy to attend and represent ~~this~~ employee representative.
- 7.1.10. To appoint a proxy, the Secretariat will seek nominations from interested AFP employees who applied to be an employee representative. Where there are multiple employee representatives for one portfolio, a ballot election process will be undertaken to select the employee representative and proxy for that portfolio. This ballot election process will be facilitated by the ACC Secretariat.
- 7.1.11. Should the Secretariat not receive enough nominations for the five (5) employee representatives and five (5) proxies, the Secretariat will facilitate a separate proxy nomination process seeking interested employees to undertake these roles.
- 7.1.12. An individual can only hold one (1) proxy.
- 7.1.13. A proxy appointment lasts for one (1) committee meeting and ends after the meeting.

### Agenda, papers and minutes

- 7.1.14. Nominations of agenda items for consideration by the ACC Chair should be submitted to the Secretariat at any time up to four (4) weeks before the next scheduled meeting, with any related papers to be submitted to the Secretariat three (3) weeks before the scheduled meeting.
- 7.1.15. The final agenda and papers (including minutes from the previous meeting) will be distributed to the ACC members at least one (1) week prior to the scheduled meeting.
- 7.1.16. Approved ACC meeting minutes will be distributed to ACC members and published on the AFP intranet for access by all employees.
- 7.1.17. The timeframes listed above will be followed as far as practicable and when it becomes necessary to depart from them, the Secretariat will communicate this to the ACC members as soon as practicable.

## 8. Appointments

- 8.1.1. SES and Employee Representatives are appointed for a 12-month period following an election process.

### Employee Representatives

- 8.1.2. On commencement of a new AFP EA, the Secretariat will undertake a call for nominations from band 1-8 and Executive Level employees interested in participating in the ACC on behalf of their AFP portfolio.
- 8.1.3. The Chair of the ACC will seek nominations in the form of an email to all band 1-8 and Executive Level employees from each portfolio. Nominees will provide 150 – 200 words outlining why they would like to be an employee representative and confirm supervisor approval to participate (to ensure the supervisor is aware of the employees nomination and there are no conflicting workloads and/or operational priorities).
- 8.1.4. If more than five (5) nominations are received for the five (5) vacant employee representative positions, portfolio employees will undertake a ballot election process (vote) for their employee representative for their portfolio. This ballot election process will be facilitated by the ACC Secretariat.
- 8.1.5. The nominees 150-200 word pitch will also be provided as supporting information ~~for~~ the COO to assist in ~~their consideration of whether to approve employee representatives~~ COO deliberations.
- 8.1.6. Should there be a tie between employee representatives via the ballot election process, the COO will make the final decision on the employee representative for that portfolio.
- 8.1.7. Current employee representatives may renominate to be an Employee Representative.
- 8.1.8. Employee nominations will be solely managed by the Secretariat.

**Commented [KT1]:** AFPA (Alex Caruana) to provide proposed words to deal with a potential tie situation

### SES Representatives

- 8.1.9. On commencement of a new AFP Enterprise Agreement, the Secretariat will undertake a call for nominations from SES Band 1 and Band 2 members interested in participating in the ACC.
- 8.1.10. SES representatives will be nominated by the COO/DCs.
- 8.1.11. Current SES Representatives may renominate to be a SES Representative.

### Union Representatives

8.1.12. On commencement of a new AFP Enterprise Agreement, the Unions can nominate union representatives ~~who are a Union Official~~ to participate in the ACC.

~~8.1.12.~~8.1.13. From time to time the union representative may change. The relevant union will provide the Chair (via the ACC Secretariat), with notification in writing of this union representative change.

### Stepping down

~~8.1.13.~~8.1.14. Members of the ACC may step down at any time by giving written notice of four (4) weeks to the Chair via the Secretariat.

~~8.1.14.~~8.1.15. Upon receiving written notice, the Chair will promptly seek to appoint a new member following the election process outlined ~~in section 88.1.1.~~

~~8.1.15.~~8.1.16. Should an ACC member temporarily move to another portfolio or another organisation, they are required to temporarily step down from the ACC. The Secretariat will promptly seek to appoint a new member who will temporarily backfill the vacant position.

### Conduct and Integrity

~~8.1.16.~~8.1.17. The COO holds final decision on who will be the employee and SES representatives. Any known integrity concerns that may impact on their ability to meet these requirements will be taken into consideration to ensure employee and SES representatives uphold the AFP integrity to the highest standard and reflect the AFP values when representing their portfolio. The Integrity Check Matrix provides further information on the parameters Professional Standards use when undertaking integrity checks.

~~8.1.17.~~8.1.18. Where an integrity concern is identified, the employee or SES representative will be unable to participate in the committee or be considered for a position on the committee until such time as this is resolved.

~~8.1.18.~~8.1.19. All members must demonstrate appropriate standards of behaviour to support the efficient operation of the ACC, including acting with professionalism and treating other committee members with respect and courtesy.

~~8.1.19.~~8.1.20. If ACC members are seen to behave in an inappropriate manner not consistent with their role and responsibilities, the Chair may take appropriate action, including terminating their position on the ACC.

~~8.1.20.~~8.1.21. All members must declare to the Chair any conflicts of interest, whether they are real or perceived based on the proposed agenda items for that ACC meeting to discuss a resolution on the conflict of interest. Further information of conflicts of interest can be found in the National Guideline on conflicts of interest.

## 9. Relationship to other committees

9.1.1. It is not intended that there should be duplication between the role and functions of other AFP consultative forums and this committee.

9.1.2. Another decision-making committee, forum or working group may refer a matter that falls within the scope of the ACC for consultation, prior to a final being decision made.

9.1.3. When a decision is required, the ACC will progress agenda items to the relevant AFP Committee within the AFP Strategic Governance Framework.

9.1.4. The COO will have final decision-making rights on matters within the ACC remit.

## 10. Version Control

Version Number	Date of Issue	Author/s	Delegate	Brief description of change/s
0.1	DD.MM.YYYY			Creation of the AFP Consultative Committee

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