



Police Federation
of Australia

ILEC 2006

United nations/out of country policing

Most of us have members who are working out of country in UN missions etc. We plan to have a look at what is happening country by country in respect of -

a) practice

Australia has police currently working overseas in peace keeping/peace building missions in a range of countries including – Cyprus, East Timor & the Solomon Islands. These deployments are made up of all jurisdictions with the exception of NSW who have not provided any members due to a dispute regarding workers compensation and rehabilitation coverage. The vast majority of the deployments is made up of Australian Federal Police.

b) policy

We have to date supported the missions however there are some issues that cause us concern.

- The AFP is using the states as their surge capacity. When they require police numbers at short notice, they call upon the states to provide the resources. The AFP is in our opinion vastly under resourced
- The AFP is using large number of AFP PSO's & our concern is they are using them in a policing function off shore. That means our members are working side by side with someone who is not properly or fully trained in our opinion bringing about a duty of care issue

c) responsibilities

d) terms & conditions packages

- i) wages & allowances
- ii) taxation arrangements
- iii) workers compensation & rehabilitation arrangements
 - 1) post traumatic stress issues
 - 2) health benefits plans etc

The following document was our "Log of Claims" on the AFP for all police when the new International Deployment Group was established in 2004.

The key issue of concern here is that the AFP Commissioner has the power to make a "Determination" on terms and conditions of employment for police serving off shore that is not challengeable in an jurisdiction.

REMUNERATION

The PFA seeks to ensure that all members of the IDG are remunerated on a common salary band linked to their specific rank or grade.

The PFA acknowledges that the AFP is unique in relation to other police services in regards to determining role value for work to be performed by AFP employees, particularly sworn members.

The PFA therefore believes the way forward with respect to an International Deployment Group (IDG) common salary band is to utilize the AFP and AFPA agreed job evaluation and role sizing tool Jobsize. It is recognized that Jobsize is designed to meet the needs of the AFP in ensuring that relative size, value or worth of differing roles can be accurately and equitably determined across the organization. This is obviously the best tool to determine across the range of Policing services a standard value for work performed on the IDG.

The characteristics that are considered by Job size are:

- Knowledge, expertise and skill required;
- Knowledge, management required;
- Extent and diversity of responsibility;
- Level of responsibility for people;
- Level of responsibility for financial resources;
- Level of decision making;
- Level of independence;
- Communication;
- Influence and impact;
- Leadership.

The PFA has sort the assistance of the AFPA to determine role value in relation to the International Deployment Group. The estimated role values have been determined as follows:-

BASE SALARY

Coordinator	42	102	46	303	105	575	130	375	180	51	2901	16	Band 9
T/L IDG	38	98	40	294	105	554	85	369	168	50	2462	14	Band 8
T/M IDG	36	98	28	276	21	550	75	369	156	49	2095	12	Band 6
T/M IDG	36	96	24	276	21	545	70	368	156	39	1931	11	Band 5

The above assessment is not inconsistent with previous International deployments.

The following Commissioner Determinations have set Coordinator, Team leader and Team Member salary bands and Composites as follows:

Determination	Coordinator	Composite	Team Leader	Team Member
9 of 2000 (East Timor)	16 (Band 9)	35%	14 (Band 8)	12 (Band 6)
7 of 2003 (Solomon Is)	16 (Band 9)	35%	14 (Band 8)	12 (Band 6)
13 of 2003 (Bougainville)	16 (Band 9)	60%	14/15 (Band 8/9)	12/13 (Band 6/7)

RECOMMENDATION 1

The PFA recommended salary band is as follows:-

ROLE	AFP BAND	SALARY
Coordinator	Band 9 (16)	\$88,448
Team Leader IDG	Band 8 (14)	\$74,459
Team Member IDG (Minimum 8 years Policing experience)	Band 6 (12)	\$63,870
Team Member IDG (Less than 8 years Policing experience)	Band 5 (11)	\$57,887

Note: Above base salary to be adjusted by any CA movement (12/11/04 & 12/11/05)

COMPOSITE

Previous Commissioner Determinations are inconsistent in relation to the Composites allocated. The Commissioner Determinations have failed to adequately articulate the hours and flexibility purchased in relation to the Composites that have been allocated to each mission.

ROLE	COMPOSITE	HOURS
Coordinator 13 Of 2003 (Bougainville)	60%	Employees will perform duties as required
Coordinator 7 of 2003 (Solomon Is)	35%	Employees will perform duties as required
Coordinator 9 of 2000 (East Timor)	35%	Employees may be sworn or unsworn and will perform an operational or support role. Employees receiving this composite will be required to work flexibly and provide a 24 hours 7 day per week coverage. Employees receiving this composite may be required to work in excess of 40 hours per week to meet operational necessities.
TL & TM	90%	Employees may be sworn or unsworn and will

13 of 2003 (Bougainville)		perform an operational or support role. Employees receiving this composite will be required to work flexibly and provide a 24 hours 7 day per week coverage. Employees receiving this composite may be required to work in excess of 40 hours per week to meet operational necessities.
TL & TM 7 of 2003 (Solomon Is)	65%	Employees may be sworn or unsworn and will perform an operational or support role. Employees receiving this composite will be required to work flexibly and provide a 24 hours 7 day per week coverage. Employees receiving this composite may be required to work in excess of 40 hours per week to meet operational necessities.
TL & TM 9 of 2000 (East Timor)	65%	Employees may be sworn or unsworn and will perform an operational or support role. Employees receiving this composite will be required to work flexibly and provide a 24 hours 7 day per week coverage. Employees receiving this composite may be required to work in excess of 40 hours per week to meet operational necessities.

The PFA believes the way forward in relation to Composites is to codify the Composite hours and flexibility consistent with AFP workplaces. This will enable AFP management to allocate the appropriate Composite to reflect intended work patterns/flexibility required.

RECOMMENDATION 2

The PFA recommends the Composites are articulated as follows:-

45%	65%	90%
Employees receiving this composite will be required to work flexibly and provide a 24 hours 7 day per week coverage. Employees receiving this composite	Employees receiving this composite will be required to work flexibly and provide a 24 hours 7 day per week coverage. Employees receiving this composite may be	Employees receiving this composite will be required to work flexibly and provide a 24 hours 7 day per week coverage. Employees receiving this composite may be

may be required to work in excess of 40 hours per week to meet operational necessities.	required to work in excess of 40 hours per week to meet operational necessities.	required to work in excess of 40 hours per week to meet operational necessities.
Maximum 184hrs over 28 day period	Maximum 184hrs over 28 day period	Maximum 210hrs over 28 day period
Maximum 60hrs over 7 day period	Maximum 64hrs over 7 day period	No Limit
Maximum 16hrs over 24 hr period	Maximum 16hrs over 24 hr period	No Limit
On Call minimum of 5hrs with DT hours for actual hours worked plus \$20 allowance for each period up to 24hours or part thereof.	On Call DT hours for actual hours worked plus \$20 allowance for each period up to 24hours or part thereof.	No On Call allowance. If required to be recalled to duty for a minimum of ½ hour the actual hours worked are to be deducted from the maximum 210hrs
2 weekends off in 4	2 weekends off in 4	No Limit
Maximum 10 days straight with a minimum of 2 days off	Maximum 14 days straight with a minimum stand down of 4 consecutive days	No Limit
No core hours	No core hours	No core hours
Maximum 10 days on call per 28 day period	Maximum 14 days on call per 28 day period	Maximum 14 days on call per 28 day period

WORKERS COMPENSATION:

The PFA expects that no lesser Workers Compensation coverage than that afforded by the VEA should be applied to all IDG deployments.

Supporting evidence:

We are advised by both the Minister for Veteran's Affairs the Hon Danna Vale MP & the Minister for Justice & Customs Senator the Hon Chris Ellison that the Veteran's Entitlements Act 1986 and the Safety Rehabilitation & Compensation Act 1988 will continue to cover police serving overseas until a new Police specific act has been introduced.

We understand that whatever the arrangements for a new act, police who are deployed to Papua New Guinea under the IDG arrangements will only be covered by the Safety Rehabilitation Act 1988, as the VEA would not normally apply due

to the deployment not being a sanctioned UN Mission and with no ADF involvement. An earlier deployment to Bouganville was not covered by the VEA.

*We are advised that the IDG deployments will take in as a minimum East Timor, Solomon Islands & Papua New Guinea. Currently East Timor & the Solomon Islands are covered by the VEA although we understand that the first Solomon Islands contingent & an early deployment to Bouganville were not. **The issue of the non VEA coverage for the first Solomon Islands contingent RAMSI & Bouganville is a matter that should also be rectified immediately.***

In respect to our claim that Papua New Guinea should also be covered, Chapter VIII. Article 52 of the UN Charter states –

“Nothing...precludes the existence of regional arrangements for regional agencies in dealing with such matters of international peace and security as are appropriate for regional action (consistent with UN purposes/principles)...the Members of the United Nations (regional) entering into such arrangements or consenting to such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring same to the Security Council”.

*The PFA contends that Papua New Guinea is a Regional Security issue being dealt with by a Regional Agency and subject to agreements by the **Pacific Island Forum**, which has accredited observer status within the UN, and only if no pacific settlement is achieved then the matter could be referred to the Security Council.*

The Pacific Islands Forum has agreed to a closer co-operation between Pacific Island countries, and even integration of services such as policing. At a meeting of the Forum in New Zealand in early April they agreed to accept a review proposing to overhaul its transport services, and to consider measures to improve trade, judicial and administrative standards and law enforcement.

We contend that the Pacific Islands Forum agreements are similar to other declarations that follow UN Principles –

- *The **Biketawa Declaration** on Good Governance amongst member States and assistance by other member States to achieve this especially recognising the vulnerability of member countries to threats to their security, broadly defined, and the importance of cooperation among members in dealing with such threats when they arise*

- *The **Nasonini Declaration** on law enforcement cooperation ...an adverse law enforcement environment threatens the sovereignty, security and economic integrity of Forum members...“early action to strengthen the existing framework to tackle potential law enforcement problems should therefore be taken.....”*

Further support for our claim is that coverage by the VEA in the Solomon Islands has been granted partly due to Australian & other Pacific Islands police being ‘embedded’ with Solomon Islands Police. It is proposed that the same ‘embedding’ will take place with Papua New Guinea police.

In respect to an argument as to no ADF forces being deployed to PNG as they were to Solomon Islands, the Solomon islands does not have a properly constituted defence force & therefore a coalition of defence forces were required. PNG has a well trained defence force and no support of that nature has been sought by the PNG Government.

RETURN TO POSITIONS IN AUSTRALIA:

When a member’s deployment with the IDG is completed they will be returned to their home jurisdiction and location in that jurisdiction prior to their departure to the IDG. If any re training is required, it is to be provided by the home jurisdiction.

EXTENDED UNACCOMPANIED OVERSEAS SERVICE ALLOWANCE:

On completion of an employee’s posting that concludes the overseas duty component of their engagement period, an employee will accrue an additional entitlement in recognition of completion of a period of duty in the IDG and the challenges involved in performing duty in overseas locations

The quantum of the Overseas Service Allowance for members of the IDG who complete their overseas duty component will be:

- | | |
|------------------------------------|-----------------------|
| • For a 60 week engagement period | \$10,000 |
| • For an 80 week engagement period | an additional \$5,000 |
| • For a 100 week engagement period | an additional \$5,000 |

Where an employee is directed to return to an Australian based role for operational requirements the National Manager IDG should authorize payment of the allowance.

MISSION ALLOWANCE

An employee is entitled to a Mission Allowance at a rate specified in "Rates of Mission Allowance" contained in the IDG (Determination 1 of 2004) as provided February '04, whilst ever they are on deployment from Australia. The rate to be paid is based on a DIO and an AFP operational threat assessment of the criteria outlined in the "Rates of Mission Allowance".

If the assessment is completed after the employees' arrival in a location, payment of the allowance will be backdated to the date of the employee's arrival in the location.

If a DIO review of its assessment results in a change of threat level, then the amended rate of Mission Allowance will be paid with effect from the date the amended assessment is officially notified to the AFP.

TRANSFER ALLOWANCE

An employee be entitled to a transfer allowance in compensation for un-reimbursed expenditure associated with movement to and from their period of engagement in the IDG. The allowance be payable before departure on their initial posting and again on return to Australia following their final posting. The rate of transfer allowance be \$500 on departure and \$275 on return to Australia at the end of their final posting.

OUTLAY ADVANCE

An employee engaged to the IDG be eligible to receive an Outlay Advance up to an amount of \$5,200. The advance not be taxable and fully recoverable on a fortnightly pro-rata basis within the 60 week period.

If the period of engagement to the IDG lasts for a period less than 60 weeks, the amount outstanding be acquitted as soon as possible after the employee's return to Australia.

TELEPHONE/COMMUNICATIONS ALLOWANCE

An employee receive a payment of \$40 AUD per fortnight to cover the costs of telephone calls/electronic communications to family of employees in Australia whilst the employee is on deployment from Australia.

MEALS AND ACCOMMODATION

Meals and accommodation be provided for the employee while on a posting by the AFP or third party (for example, the United Nations).

Where accommodation and meals are not provided an allowance be payable. This allowance may be paid by the AFP or a third party, dependent on the management structure and responsibilities for particular missions.

Where an allowance in recognition of meals and accommodation is made by a third party, no further allowance be paid by the AFP.

Where accommodation but not meals (or any allowance in recognition of meals) is provided, the AFP pay an employee a meals allowance calculated using the rates set out for meals in Australian-based transfer entitlements, and adjusted to recognize the cost of basic food items in the actual overseas location.

Where employees can demonstrate significant additional cost in procuring food items above the rate of allowance payable, the National Manager Human Resources approve payment of a higher rate of allowance in those circumstances.

Employees be entitled to a daily incidental allowance of \$15 to cover any miscellaneous in-country expenses.

Allowances for accommodation, meals and incidentals be paid for the period an employee is on a posting in an overseas location. Allowances under this clause cease while employees are redeployed back to Australia for any reason, including periods of leave.

RECRUITMENT AGAINST DEPLOYMENT NUMBERS:

Each jurisdiction to commit to recruit against the vacancies of the number of members they deploy to the IDG.

EXPERIENCE OF DEPLOYMENT PERSONNEL:

No probationary constables to be deployed.

All State & Territory members of the IDG to be at a minimum level of competence of a fully operational officer.

In the AFP context a police officer must have successfully completed the behavioral assessment or have equivalent experience.

SELECTION PROCESS FOR MEMBERS OF THE IDG:

A selection process is to be established in each jurisdiction between the local police association/union, the local police department and the AFP.

Such process to be in accordance with the relevant, already agreed Police Force/Service selection process, which must include an appeal/review process.

TAXATION:

It is expected that there will be a general exemption from income tax of salary and allowance payments that relate to overseas service whilst employees are members of the IDG.

Explanation:

We are advised that currently no application has been received by the ATO from the AFP in respect to seeking a class ruling in respect to PNG or the IDG as a whole.

We have been advised by the ATO that a problem that could be encountered with a class ruling with respect to the IDG is that there are varying locations not yet specifically specified and in general tax exemptions apply to deployments of six (6) months off shore whereas the deployments that are proposed in the IDG are for four (4) months off shore broken by a stint of one (1) month on shore before a further four (4) months off shore.

The PFA would be opposed to any member being deployed in the IDG until such tax rulings has been finalized.

(Each jurisdiction who has members working out of country in sanctioned deployments off shore to provide a 2 – 3 page summary of key issues relevant to such deployments eg terms & conditions of employment, taxation status, workers compensation, health & safety issues, disciplinary processes & any other issue that jurisdictions may feel appropriate to report on).

