

EXPLANATORY STATEMENT

Australian Federal Police Act 1979

Australian Federal Police Regulations

(Amendment) STATUTORY RULES 1985 No. 293

The substantial majority of amendments to the Australian Federal Police Regulations (the Regulations) arise from the amendment of the Australian Federal Police Act 1979 (the Act) made by the Australian Federal Police Amendment Act 1985 to incorporate provisions for the economical and efficient use of AFP personnel through redeployment and retirement arrangements directly comparable to those which apply to Commonwealth public servants under the Commonwealth Employees (Redeployment and Retirement) Act 1979 (the CE(RR) Act). Early voluntary retirement for members of the AFP at age 55 was introduced by regulation in August 1984.

The amendments to the Act and to the Regulations are intended to ensure, as far as possible, the consistency of service conditions in the AFP with those in other areas of Commonwealth employment, and vary from the terms of the CE(RR) Act only to the extent necessary to meet the special requirements of the AFP. These derive from its disciplined character, command structure, functions and operational requirements, which are considered to make it inappropriate to include the AFP within the ambit of the CE(RR) Act.

The consequential amendments to the Regulations derive directly from the model provided by the Commonwealth Employees (Redeployment and Retirement) Regulations. The most significant departure from the scheme of the CE(RR) Act and Regulations is that the appeals authority established to review decisions about the redeployment or retirement of AFP members is to be of recommendatory rather than determinative character. This arrangement was recommended by the Administrative Review Council in a report tabled in the Parliament in October 1982. The new Appeals Board will in fact take over the existing functions of the present AFP Promotion Appeals Board. No existing rights of appeal are affected.

The proposed amendments to the Regulations provide for:

- . the establishment, functions and constitution of the Appeals Board and for the appointment, retirement, dismissal and remuneration of its members;
- . procedures in relation to promotions appeals (these are the same as those at present in operation) and procedures in relation to appeals against the redeployment and management initiated retirement of members;



- . the constitution and functions of an interviewing panel by which a member expected to be absent from Australia for more than 6 months may be interviewed before departure. The record and assessment of that panel shall be taken into account by the Appeals Board in relation to a promotion appeal involving that member while he is overseas; and
- . the reappointment to the AFP of former members who have been retired on the basis of invalidity and have since regained appropriate standards of health.

The opportunity has also been taken to make a number of minor amendments to ensure the consistency of the Regulations, which at present refer both to 'ranks' and to 'positions within ranks'. The AFP was converted in 1984 from a 'rank' to a 'position' based organisation.

S.R. 148/85

