

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

Program: Other Agency

Question No. AE15/147

Senator Collins asked the following written question from the 24 February and 27 March 2015 hearings:

With reference to the secondment of Mr Peter Drennan from the Australian Federal Police to the United Nations for a period of five years, and with reference to Mr Drennan's leave without pay and superannuation arrangements during that period:

- a. Is it usual for the AFP to approve secondment/leave without pay for a period of five years?
- b. What were the circumstances in Mr Drennan's case that prompted the approval of secondment/leave without pay for such a significant period?
- c. In deciding to approve his secondment, was consideration given to the fact that Mr Drennan will be close to retirement age when he returns from the United Nations? If so, why was such a long period of secondment deemed appropriate?
- d. Why didn't the public announcement of Mr Drennan's departure from the AFP mention that he was going on secondment to the United Nations or that it was a period of leave without pay, rather than a departure?
- e. Why was Mr Drennan's leave without pay approved a month after he took the job with the United Nations?
- f. In deciding to approve Mr Drennan's secondment/period of leave without pay, was consideration given to a view, reportedly expressed by Mr Drennan, that the pay and conditions provided by the United Nations were not sufficient?
- g. Were AFP resources used to provide reports on Mr Drennan's tax arrangements while an employee of the United Nations? Why? Is this a usual practice of the AFP?
- h. Were AFP resources tasked to exploring Mr Drennan's rental arrangements in New York, while an employee of the United Nations? Why? Is this a usual practice of the AFP?
- i. Is it usual practice for the AFP to contribute toward the rent of an employee on secondment?
- j. Is the AFP contributing towards Mr Drennan's rent in New York while he is working for the UN?

The answer to the honourable senator's question is as follows:

- a. Applications for leave without pay are assessed on a case by case basis.

- b. As per AFP Governance, Leave Without Pay (LWOP) may be granted upon application by the employee and where it is in the interest of the Commonwealth and meets AFP's operational needs, with there being no minimum or maximum period that may be approved. Mr Drennan's application was approved based on both the strong and continuing Australian interest in supporting the UN and the significance of his role as Under-Secretary-General for Safety and Security.
- c. Mr Drennan is not on a secondment, rather he is on approved LWOP. As per AFP Governance, LWOP may be granted upon application by the employee and where it is in the interest of the Commonwealth and meets AFP's operational needs, there being no minimum or maximum period that may be approved. Mr Drennan's application was approved based on both the strong and continuing Australian interest in supporting the UN as well as the extensive Commonwealth Government support and advocacy for Mr Drennan to take up the position. Note that the AFP does not have a mandatory retirement age.
- d. Mr Drennan is not on a secondment, rather he is on approved LWOP. No external media release was provided by the AFP or Attorney-General's Department.
- e. The AFP Commissioner formally approved Mr Drennan's LWOP on 9 May 2014. The AFP Commissioner had advised Mr Drennan prior to his applying for the UN role that if he was successful in being appointed to the UN that he would be granted LWOP.

The Minister for Justice approved Mr Drennan's secondary employment during his period of LWOP from the AFP on 29 May 2014. He formally commenced his UN role on 28 June 2014.

- f. When approving Mr Drennan's LWOP no consideration was given to the terms and conditions of the UN.
- g. The AFP sought taxation advice whilst Mr Drennan was an employee of the AFP on the taxation consequences of payments in respect of his proposed UN deployment. The advice was sought for the purposes of assessing the AFP's employer taxation obligations. It is common practice for the AFP to determine or seek advice on the taxation treatment of employees deployed to locations outside of Australia to ensure the AFP is meeting its employer taxation obligations.
- h. The AFP provides information for AFP employees, in various circumstances in order to support them in making informed decisions regarding their development and career opportunities.
Mr Drennan was provided with limited information by the AFP regarding rental options in New York.
- i. It should be noted that Mr Drennan is not on a secondment.

AFP employees on secondment may receive rental assistance.

- j. No