



Determination on fixed term assignments to Program Axiom

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Commonwealth of Australia

Australian Federal Police Act 1979

Australian Federal Police - Determination under Section 40H(1) relating to Fixed Term Assignment to Program Axiom

I, Tim Morris, National Manager Intelligence, Delegate of the Commissioner of the Australian Federal Police, make the following Determination under section 40H(1) of the *Australian Federal Police Act 1979*.

Dated: June 2011

Delegate of the Commissioner

1. Title

This Determination may be cited as a Determination under Section 40H(1) relating to Fixed Term Assignment to Program Axiom.

2. Commencement

This Determination commences on the date it is signed by the Commissioner or his delegate.

3. Preamble

This Determination has been developed to account for the unique and flexible working environment of AFP employees undertaking the duties of Undercover Controllers (UCCs) or Undercover Operatives (UCOs). The implementation of the terms and conditions of this Determination will be subject to regular review by the Commissioner during its first 12 months of application.

4. Definition

Commissioner means the Commissioner of the Australian Federal Police.

Employee means any person appointed under the Act; but does not include Senior Executives of the Australian Federal Police (AFP).

The Act means the *Australian Federal Police Act 1979* (as amended).

Team Leader means an AFP employee performing a Team Leader role within Program Axiom.

Undercover Controller means an AFP employee undertaking the designated duties of an Undercover Controller.

Undercover Operative means an AFP employee undertaking the designated duties of an Undercover Operative.

5. Application

This Determination applies to AFP employees undertaking either the role of Undercover Controller or Undercover Operative for the duration of their assignment to that role, or for a period determined by the Commissioner or his delegate.

6. Variations and alterations to determination

From time to time the Commissioner or his delegate may, in writing, alter or vary the terms and conditions contained in this Determination applying to AFP employees to meet special operational needs.

7. Professional responsibility

On their assignment, employees will be issued with a Commissioner's Directive, which outlines, inter alia, the ongoing responsibilities and expectations of Undercover Controllers and Undercover Operatives. Failure to maintain the highest standards of conduct, in accordance with the Commissioner's Directive, will cause a review of the employee's period of assignment.

8. Assignment of duties

In accordance with section 40H of the *Australian Federal Police Act 1979* (the Act), the employee will be assigned to Program Axiom and will perform the duties of either Team Leader, Undercover Controller or Undercover Operative. This assignment of duties will commence on a mutually negotiated date and will continue to apply whilst attached to Program Axiom.

9. Revocation of determination

The Commissioner or his delegate may exercise their statutory power under the Act to cease this assignment at any time.

10. Role and function

The role of Team Leaders, Undercover Controllers and Undercover Operatives and the relevant scope of duties are as defined in the AFP National Guideline on Undercover Operations.

11. Responsibilities

Employees of the AFP remain ultimately responsible to the Commissioner in undertaking the assigned Program Axiom role. In performing the associated duties the employee will comply with the AFP National Guideline on Undercover Operations.

12. Administration

Program Axiom is responsible for the costs associated with any approved operational deployments during the employees' assignment. The employee is required to comply with the associated responsibilities in relation to both covert and overt expenses in accordance with Program Axiom and the governance framework.

13. Security clearance

Prior to any assignment to Program Axiom the employee must hold a current HIGHLY PROTECTED security clearance with the ability to upgrade to TOP SECRET level and obtain

s37(2)(b), s47E(d)

For the term of the assignment to Program Axiom, the employee must

ensure that both security clearance and s37(2)(b), s47E(d) are maintained.

14. Conduct

The assignment to a Program Axiom role does not remove the employee from maintaining adherence to the AFP's requirements in respect of employee's conduct and professional behaviour. The conduct of all AFP employees must be beyond reproach, and all employees are required to act in such a manner as to not bring disrepute on either the AFP or the Australian Government.

The professional standards of the AFP apply to all AFP employees representing the AFP and all aspects of the AFP Professional Standards regime continue to apply to the employee while assigned to the role of Team Leader, Undercover Controller or Undercover Operative within Program Axiom.

15. Confidentiality

Whilst assigned to Program Axiom the employee understands and acknowledges that any unauthorised release of information which directly or indirectly compromises s37(2)(b), s47E(d) has the potential to cause significant adverse impact on the operational functionality of the Program.

The employee therefore must not, without proper authorisation, disclose any information to any person who is otherwise not authorised, in relation to s37(2)(b), s47E(d)

s37(1)(b), s47E(d)

Diligence must also be shown with regard to the handling of information pertaining to Program Axiom and in particular any information relating to operational business. Under no circumstances will the employee disclose any information concerning operational activity in which they may be involved to persons whom do not have a valid 'need to know'. Failure to do so may potentially compromise and/or bring embarrassment upon the success of the operation/s, Program Axiom and the wider AFP and also potentially compromise the safety of individuals.

All AFP employees must familiarise themselves with [Part 1AC, Division 6, subdivision A of the Crimes Act 1914 \(Cth\)](#) that creates offences relating to AFP members (and other persons) who unlawfully disclose information about an assumed identity. This is applicable in circumstances where for example members of Human Resources are accessing SAP information on Program Axiom members.

16. Testing

s37(2)(b), s47E(d)

The employee will also be required to comply with the AFP's strict drug testing regime. Program Axiom members will be tested on both mandatory and random occasions.

s37(2)(b), s47E(d)

17. Induction training

On commencement with Program Axiom, the employee will be required to attend the Program Axiom Canberra Office for a one-week period.

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

18. Fixed term

The operational positions within Program Axiom are for a fixed term. As such assignment to these roles will be for the following agreed term.

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

Only in exceptional circumstances will any employee be allowed to extend past the initial term.

s37(2)(b), s47E(d)

19. Reintegration

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

Reintegrating employees may be required to spend a period of time in the regional OMC to refresh familiarity with the operational focus of that region.

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

20. Future return to Program Axiom

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

21. Part time members

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)