



AFP National Guideline on secondary employment

1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

AFP	Australian Federal Police
CO2	AFP Commissioner's Order on Professional Standards
PRS	Professional Standards

3. Definitions

Actual conflict of interest - refers to a direct conflict between an AFP appointee's private interests and official AFP duties.

Appointee – means an AFP appointee as defined in s. 4 of the [Australian Federal Police Act 1979](#) (Cth).

Approver - means a senior executive pursuant to s. 25 of the *Act*.

Conflict of interest - refers to conflicting interests, obligations, loyalties or improper influences to which an individual is subject in the course of a relationship or activity. It involves an actual, perceived or potential conflict between an appointee's responsibilities in serving the public interest/AFP duties, and the appointee's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage - whether financial or otherwise.

Employment - means any paid or unpaid work, voluntary service (including appointment as a Justice of the Peace) or involvement as an office bearer/director or major shareholder in a company or business regardless of income derived or not derived.

Intellectual property - is defined in the [AFP National Guideline on intellectual property, commercialisation, logos and insignia](#).

Judicial function (Justice of the Peace) – includes the responsibilities and powers to facilitate, arbitrate, preside over, and make decisions and directions in regard to the application of the law.

Law enforcement agency – means any agency responsible for enforcing Commonwealth or state law within Australia, including those agencies subject to the Integrity Commissioner’s (within the Australian Commission for Law Enforcement Integrity) jurisdiction.

Line manager - means a Manager, Office Manager, Commander, Airport Police Commander, IDG Contingent Commander or Station Manager where the Station Manager is the most senior AFP appointee in that geographical location

Potential conflict of interest - where an AFP appointee's private interests could conflict with their AFP official duties or AFP's interests in the future.

Professional Standards - means the functional business area referred to as PRS that has the responsibility for managing AFP professional standards issues in accordance with the [Australian Federal Police Commissioner's Order on Professional Standards \(CO2\)](#).

Professional standards of the AFP - has the meaning given by s. 6 of [CO2](#).

Public interest – is an ideal that is central to the concept of democratic government and administration.

Secondary employment - means employment outside the AFP which an AFP appointee undertakes in addition to his or her AFP duties. Employment means any paid or unpaid work, voluntary service (including appointment as a Justice of the Peace) or involvement as an office bearer/director or major shareholder in a company or business regardless of income derived or not derived.

Supervisor – means an AFP appointee performing a supervisory role; usually a Team Leader/Band 7 (on the AFP salary spine), or Coordinator/Superintendent (Band 9 (on the AFP salary spine)).

4. Authority to create guideline

This guideline was issued by National Manager Human Resources using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

5. Introduction

The guideline outlines the AFP's policy and management procedures for employees applying for,

and engaging in, secondary employment.

6. Policy

The AFP is properly concerned with ensuring the integrity of the AFP is, and is clearly perceived by the public to be, constantly maintained.

Accordingly, regard must be had to any activity, such as secondary employment, that may carry with it the potential for corrupt conduct or conflict of interest, or lead to a public perception of a conflict of interest.

The AFP also recognises that AFP roles and external activities offer varying responsibilities, experiences and kinds of public interaction. Accordingly, the AFP is obliged to manage the varying and perhaps unique potential for external employment or voluntary service to create conflicts of interest.

7. Approval

An appointee must obtain approval under this guideline prior to undertaking any secondary employment.

Where an appointee's voluntary service carries the potential for an actual or perceived conflict of interest or their voluntary role is in a position to influence the operations of the volunteer organisation, approval under this guideline must be sought.

All requests for secondary employment approval should be submitted to Professional Standards (PRS), via [Professional Standards Integrity Assurance Operations](#), by the appointee through their supervisor using the [Application for Approval of Secondary Employment form](#) (AFP Forms). Completed forms must be submitted as detailed within the Application form. Any forms not submitted through PRS will not be actioned.

A flow chart illustrating the approval process for a new or renewed secondary employment application is located at [Attachment A](#).

All requests will be assessed by the portfolios and individuals performing the roles stipulated on the Application Form.

Approval to engage in employment outside the AFP will be conditional on the employment being secondary to AFP employment. Accordingly, it is not envisaged that approval will be granted to enable AFP appointees take up primary employment with another employer.

AFP employment must take precedence over the secondary employment with the secondary employment being undertaken solely within the AFP appointee's own time. Applications should therefore be assessed in terms of the impact on the AFP's duty of care as an employer and the total productivity requirements placed on all AFP appointees as a result of combined employment commitments.

The approver's primary considerations in approving secondary employment will be the:

- need to ensure the integrity of the AFP is maintained
- need to ensure the potential for corrupt conduct, actual or perceived conflicts of interest

- and potential compromise of AFP operations and information are minimised
- need to ensure the potential security implications for the AFP and the AFP appointee are minimised
- continued effective performance of AFP duties.

Approval may be varied or revoked by the approving team leader/coordinator, relevant line manager or National Manager Human Resources at any time.

The AFP is committed to its obligations under the [Defence Reserve Service \(Protection\) Act 2001](#) (Cth). Appointees undertaking Defence Reserve service must still complete and submit an [Application for Approval of Secondary Employment form](#) through their supervisor to Professional Standards and Security. While the submission process for Defence Reserve service reflects the submission process for other secondary employment applications, the approval process will differ due to the AFP's adherence to the [Defence Reserve Service \(Protection\) Act 2001](#) (Cth).

Where an opportunity arises for an AFP appointee to participate in Defence Reserve service training or a deployment, approval must be sought from their direct supervisor.

8. Duration of approval

Approvals are conditional and valid for one year. Appointees must:

- seek approval on an annual basis
- submit a new application for approval if there are any changes in circumstances within the twelve month period.

Changes in circumstances include:

- commencing new AFP duties (e.g. reassignment such as transfer or promotion)
- changes in the nature of the secondary employment (e.g. new role, employment, change of hours/commitment)
- a review, renewal or suspension of an appointee's security clearance.

9. Restrictions

Secondary employment must not involve:

- any service of, or to the AFP
- wearing any part of the AFP uniform
- using any AFP accoutrements, resources or information (other than public information)
- using any knowledge or skills obtained through employment with a law enforcement agency including, but not limited to:
 - the national security, criminal or international environments
 - AFP ICT systems
 - law enforcement methodologies including:
 - personal protection
 - driving skills
 - technical activities
 - surveillance
 - operational safety training methods.

Appointees should note the confidential information and intellectual property protection obligations in the [AFP National Guideline on intellectual property, commercialisation, logos and insignias](#). Appointees should also be aware that under common law, any work performed by an Appointee for an employer is the property of the employer. Intellectual property does not include skills, knowledge, or expertise gained in the course of employment and used or applied in a private capacity, provided it is not of a confidential or sensitive nature.

Secondary employment which is not recommended, but may be considered on a case-by-case basis includes:

- directorship/partnership or large shareholding in the security, liquor, transport, gaming/vice industries or any other industry where a conflict of interest may exist
- employment in any capacity in the security industry, including security training
- employment as a consultant which uses the fact of an appointee's AFP employment in advertising
- employment in any teaching/lecturing capacity which uses skills/information/knowledge obtained from an appointee's employment with a law enforcement agency
- author of a non-AFP approved published manuscript developed for the purposes of gaining a financial or other benefit, using the skills/information/knowledge obtained from an appointee's employment with a law enforcement agency
- employment in any capacity in the private or commercial inquiry industry
- long haul transport or tow truck operations
- local council/government appointments
- elected community/government positions
- Justice of the Peace performing a judicial function
- service of alcohol or doorman at licensed premises
- process server of legal documents
- debt collection
- voluntary service for organisations that are reputed to have criminal affiliations or advocate breach of the peace and/or violent confrontation
- employment with another law enforcement agency
- employment with another government department or agency, unless required by law.

If an approver, after reasonable consideration, doubts the proposed secondary employment may breach this Guideline, the application should not be approved.

10. Review of decision

Appointees may seek a review of the decision to withdraw or deny approval to engage in secondary employment. The request should be made in writing to National Manager Human Resources who will appoint a senior executive employee independent from the initial decision making process to undertake the review.

11. Leave and suspension

Part C of this guideline applies to appointees whilst on paid or unpaid leave or suspended from duty, with or without pay. Applications from appointees who are under suspension, with or without pay, must be referred to the Commissioner or the delegate who suspended the appointee for assessment prior to making a decision.

Appointees must not undertake secondary employment while on extended leave for a medical condition or where an AFP Workplace Incident Report Form has been lodged with and accepted by Comcare.

Applications for leave without pay to undertake secondary employment will be considered on a case by case basis but will not normally be approved unless the approver is satisfied:

- there are compelling economic or personal circumstances
- approving the application would benefit the AFP
- there would be no adverse impact on AFP core business, operational requirements or reputation.

12. Human Resources responsibility

Payteam-Shared Services will

- ensure that all application requests for Secondary Employment, approved and not approved, are maintained in the SAP HR system
- provide reports to the approver as requested.

13. Further advice

Any queries relevant to the content of this National Guideline should be referred to the Professional Standards-Operations Monitoring Centre for advice.

14. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Defence Reserve Service \(Protection\) Act 2001](#) (Cth).

AFP governance instruments

- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on integrity reporting](#)
- [AFP National Guideline on intellectual property, commercialisation, logos and insignias.](#)
- [AFP National Guideline on operational conflicts of interest](#)
- [AFP Practical Guide on dealing with conflicts of interest.](#)

Other sources

- [Application for Approval of Secondary Employment form](#) (AFP Forms).

Attachments

- [Attachment A - Secondary Employment Application Approval Flowchart.](#)