



AFP National Guideline on secondary employment

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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
JP	Justice of the Peace

3. Definitions

AFP employee - means a person engaged under s. 24 of the [Australian Federal Police Act 1979](#) (Cth).

Approver - means an AFP employee appointed as a senior executive pursuant to s. 25 of the [Australian Federal Police Act 1979](#) (Cth).

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.

Secondary employment - means employment outside the AFP which an employee undertakes in addition to his or her AFP duties.

Major shareholder - means any shareholding owned by an employee which in the opinion of the approver has the ability to influence the operations of the company or policies of the company in which the shares are held.

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

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 AFP employee must obtain approval under this guideline prior to undertaking any secondary employment.

Where an appointee's voluntary service carries the potential for 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 by the AFP employee through their team leader/coordinator using the [Application for Approval of Secondary Employment form](#) (AFP Forms)

All requests will be assessed on a case by case basis and consider the employee's current role in relation to the proposed activity.

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 employees take up primary employment with another employer.

An 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 or conflicts of interest are minimised
- continued efficient performance of AFP duties.

AFP employment must take precedence over the secondary employment with the secondary employment being undertaken solely within the employee'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 employees as a result of combined employment commitments.

Any approval may be varied or revoked by an approver at any time.

8. Conflict of interest

8.1 Determination of conflict of interest

Actual, perceived or potential conflicts of interest can arise in varying circumstances surrounding secondary employment. While a conflict of interest does not automatically exclude a person from secondary employment in some cases the level of risk to the AFP will result in disapproval of the activity. In all cases any conflict of interest needs to be identified and any

risks managed in accordance with the [AFP Practical Guide on dealing with conflicts of interest](#).

The approver, team leader/supervisors and employee must determine:

- whether a perceived or actual conflict of interest is likely to occur
- the seriousness of the conflict of interest, the damage that could be experienced by the AFP and the appropriateness of approving such an activity
- how that conflict will be managed in the event that approval is granted to engage in such activities.

A record of the decision and the associated risk management plan documenting how conflict of interest risks will be practically managed in the workplace must be submitted with the secondary employment approval.

8.2 Examples of conflict of interest

Examples of situations where a conflict of interest may occur include:

- where values of the other organisation are inconsistent with the values of the AFP (typically exposing employees to association risks requiring regular reporting as per the [AFP National Guideline on integrity reporting](#))
- where improper use of police powers may occur (if they are exercised in the interests of the private employer rather than the community in general)
- where use is to be made of AFP resources, time or intellectual property
- where an employee has a direct regulatory relationship with the industry he/she is privately employed in (e.g. hotels, bars, clubs, etc) or where his/her AFP duties involve the investigation or supervision of those industries
- where the secondary employment is with a company, business or service provider which is in, or in the process of entering into, a contractual relationship with the Commonwealth or its authorities, or a state government or a local government body
- where granting secondary employment approval could give a rival business, including a government business enterprise, reasonable grounds for perceiving a conflict of interest
- where trying to serve two competing interests causes the employee to allow the secondary employment interest to impair and/or influence the effective performance of AFP duties
- where there is an extraordinary risk of injury to the employee in the course of the secondary employment (which may result in a sick leave application) or there is a risk of injury to a member of the public (which may result in legal liability by the AFP) in the course of the secondary employment
- the public reputation of the business/establishment and the likelihood of adverse interactions with the role and functions of the AFP such as the need for police attendance
- where contact with foreign nationals will affect the employee's ability to hold a required national level security clearance
- where the fact that the employee is a police officer offers the other employer some advantage (e.g. advertising the fact, or perceived favourable dealings with the police)
- where an employee is required to attest to or witness legal documents as a Justice of the Peace (JP) that the employee has provided input to or had involvement with in their role as an AFP employee.

In the case of a sworn AFP member being a JP, a conflict of interest exists and the secondary employment application must contain a risk mitigation plan detailing how that conflict will be resolved in accordance with the [AFP Practical Guide on dealing with conflicts of interest](#).

8.3 Conflicts of interest during secondary employment

If approval is granted for an AFP employee to engage in secondary employment, any conflicts of interest which arise during that secondary employment must be reported and managed according to the:

- [AFP National Guideline on integrity reporting](#)
- [AFP National Guideline on operational conflicts of interest](#)
- [AFP Practical Guide on dealing with conflicts of interest.](#)

9. Restrictions

Secondary employment which is not acceptable includes:

- employment with another police service
- a directorship/partnership or large shareholding in the security, liquor, transport or gaming/vice industries
- employment in any capacity in the security industry, including security training
- employment as a consultant which uses the fact of an employee's AFP employment in advertising
- employment in any capacity in the private or commercial inquiry industry
- long haul transport or tow truck operations
- doorman at licensed premises
- process server of legal documents
- debt collection.

If an approver, after reasonable consideration, doubts whether the proposed secondary employment is acceptable, the approver should not approve that application.

10. Leave and suspension

This guideline applies to AFP employees whilst on paid or unpaid leave or suspended from duty, with or without pay. Applications from employees who are under suspension, with or without pay, must be referred to the Commissioner or the delegate who suspended the employee for close examination of all relevant issues, prior to making a decision.

AFP employees must not undertake secondary employment while on sick leave.

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 or
- approving the application would benefit the AFP and
- there would be no adverse impact on AFP operational requirements.

11. AFP equipment, accoutrements, resources and intellectual property

The secondary employment must not involve:

- any service of the AFP
- wearing any part of the AFP uniform
- using any AFP accoutrements, resources or information (other than public information)
- using any specialised and confidential police skills or knowledge, including:
 - personal protection
 - driving skills
 - technical activities
 - surveillance
 - operational safety training methods.

Employees should note the confidential information and intellectual property protection obligations in the [AFP National Guideline on intellectual property, commercialisation, logos and insignias](#). AFP employees should also be aware that under common law, any work performed by an employee 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.

12. Duration of approval

Approvals are conditional and valid for one year. AFP employees must:

- seek approval from an approver on an annual basis
- submit a new application for approval if there are any changes in circumstances.

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, change of hours/commitment)
- a review, renewal or suspension of an employee's security clearance.

13. Review of decision

Employees may seek a review of 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 person independent from the initial decision making process to undertake the review.

14. Human Resources responsibility

The relevant Human Resources Business Delivery area must:

- ensure that all approvals are maintained in the SAP HR system
- provide reports to the approver as requested.

15. Further advice

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

16. References

Legislation

- [Australian Federal Police Act 1979](#) (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).