



Hub

SECURITY ALERT STATUS

AFPSAL 3

CYBERSAL

LEVEL 4

AFP Commissioner's Order on governance (CO1)

[View document details \(metadata\)](#)

I, Reece P Kershaw APM, Commissioner of the Australian Federal Police, in the exercise of my powers under:

- sections 37, section 38 and 69C of the [Australian Federal Police Act 1979](#) (Cth)
- section 79 of the [Australian Federal Police Regulations 2018](#) (Cth)

issue the AFP Commissioner's Order on governance (CO1). This Order takes effect from the date of its publication on the AFP intranet.

Reece P Kershaw APM

Commissioner

4 May 2022

1. Introduction

CO1 establishes a governance framework to support the effective performance of the AFP. It ensures risk is appropriately controlled and key accountability and integrity requirements are met and managed to a high standard. It also provides appropriate authority to issue and amend governance instruments in a flexible and timely manner to respond to operational priorities and ongoing legislative reform.

Compliance with the AFP Governance Instrument Framework (GIF) ensures that:

- the AFP continues to enjoy a high level of confidence and support from government, the community and key partners
- the requirements of the [Public Governance, Performance and Accountability Act 2013](#) (Cth) (PGPA Act) are met
- AFP functions under section 8 of the [AFP Act](#) are delivered
- AFP appointees understand their obligations when performing their day-to-day duties

- risk is reduced to protect the AFP, its appointees and the public.

2. AFP Governance Framework

The AFP's Governance Framework includes:

- a statement of values, a code of conduct and a comprehensive collection of enforceable internal governance instruments
- an [annual corporate plan](#) that sets out the AFP's purpose, future direction, operational environment, initiatives, activities and methods of assessing performance and managing capacity, capability and risk in a four-year timeframe
- governance measures to control documented business risks, particularly treatments identified in the [AFP Risk Profile](#)
- the [Strategic Board Framework](#) with clearly articulated terms of reference and accountabilities
- a command-based [organisational structure](#) to command and control resources and business activity
- an [Investigator's Toolkit](#) to support the ongoing professionalism of investigators
- a [Ministerial Direction](#) detailing the Australian Government's expectations and priorities of the AFP
- strong ethical and security expectations of AFP appointee conduct
- systematic approaches to strategic and [business planning](#), and to managing fraud, security and other business risks, including the [AFP Fraud Control and Anti-Corruption Plan](#)
- allocating resources to internal auditing, business reviews and professional conduct investigations
- an AFP-wide [collection of legislative delegations and authorisations](#)
- the Governance Instrument Framework (GIF) containing AFP governance instruments and other governance instruments (e.g. external agreements) which are determined by the relevant business area as publishable, as well as related guidance information and templates etc.

3. The AFP Governance Instrument Framework

AFP governance instruments that contribute towards the effective administration and operation of the AFP are published or referenced in the GIF. An AFP business area may, for operational or sensitivity reasons, determine that a governance instrument is not 'publishable'.

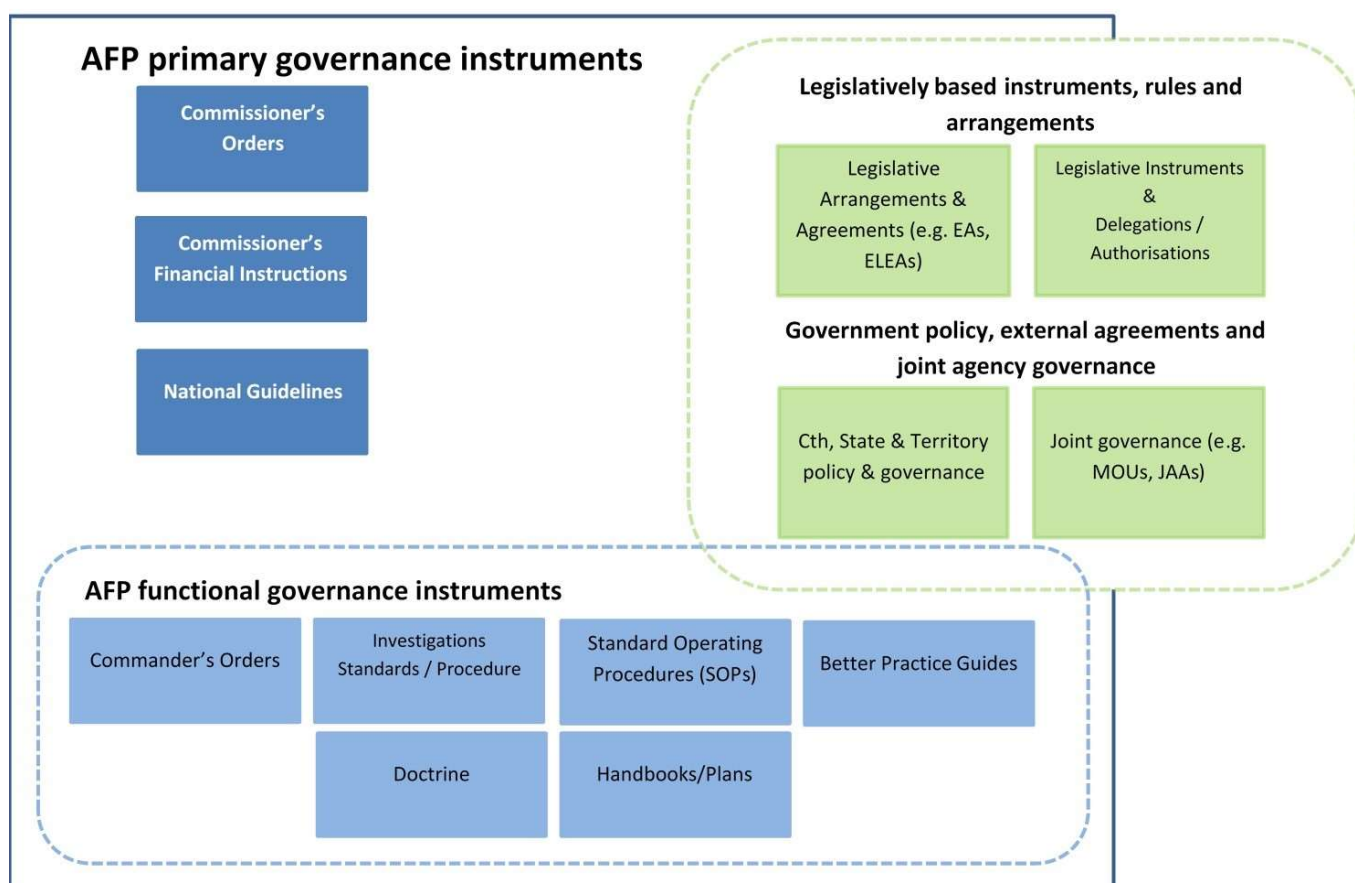
AFP governance instruments establish and contribute to:

- the safety and security of the AFP environment by conveying practices and procedures in accordance with the [Protective Security Policy Framework](#) and the [Information Security Manual](#)
- the effective administration and operations of the [Australian Federal Police Act 1979](#) (AFP Act)

- AFP professional standards, including the practices and procedures of the AFP, for the purposes of Part V of the [AFP Act](#)
- legal compliance by AFP appointees in discharging their duties and accountabilities, particularly under the [PGPA Act](#), [Work Health and Safety Act 2011](#) (Cth), [Crimes Act 1900](#) (ACT), [Crimes Act 1914](#) (Cth) and the [Privacy Act 1988](#) (Cth)
- management of risk, particularly in relation to sound decision making and the treatment of risks identified in the [AFP Risk Profile](#)
- delegation of statutory authority and powers
- best practice guidance for AFP appointees in achieving operational outcomes consistent with AFP values and the efficient, effective, economical and ethical use and management of Commonwealth funds and property.

3.1 Categories of AFP Governance Instruments

AFP Governance Instrument Framework (GIF)



AFP governance instruments consist of Commissioner's Orders, the Commissioner's Financial Instructions, national guidelines, better practice guides, standard operating procedures, handbooks, rules, instructions, directions, standards, doctrine, delegations, authorisations, determinations and external agreements.

3.1.1 Primary Governance Instruments

The following are primary governance instruments, in order of hierarchy, that establish the rules, orders, instructions and obligations, typically applicable to the whole of the AFP.

Commissioner's Orders

Commissioner's Orders, issued under section 38 of the [AFP Act](#), regulate AFP policy and legislative compliance and are set at the Commissioner discretion.

Commissioner's Financial Instructions

The Commissioner's Financial Instructions, issued under section 37(1) of the [AFP Act](#) and sections 16 and 20 of the [PGPA Act](#), set out the financial, legislative and regulatory requirements for the financial management and accountability of public resources by the AFP.

National Guidelines

National Guidelines, which are issued by the Commissioner or relevant delegate under section 37(1) of the [AFP Act](#), typically establish mandatory compliance obligations in respect of significant or higher-risk matters relevant to the whole of the AFP or ACT Policing.

National Guidelines also establish principles and frameworks that are given operational effect through functional governance instruments.

Authority to issue, review, amend or revoke a primary governance instrument

[SES Band 2 appointees and above](#), as well as Commander Professional Standards, may authorise the creation of a primary governance instrument if:

- that has been determined to be the most effective means of addressing a risk assessed to be significant, high or critical
- the proposed instrument does not duplicate or contradict content already on the GIF.

To ensure accuracy and relevance, primary governance instruments must be reviewed by the business area at least every three years. Baseline reviews should be conducted within the timeframe by the business area of whether the instrument is fit for purpose.

3.1.2 Functional Governance Instruments

Commander's Orders

Commander's Orders are specific policies/orders issued by a mission commander covering procedures and requirements for professional conduct and behaviour of personnel deployed by International Command to overseas missions. For more information contact IC-Partnerships-Monitoring@afp.gov.au.

Better Practice Guides

Better Practice Guides articulate appropriate practices and behaviour for AFP staff in the performance of specific duties.

Standard Operating Procedures

Standard Operating Procedures articulate the steps to be followed by AFP appointees in the performance of designated operations or functions in designated situations.

Handbooks

Handbooks provide comprehensive guidance and information relating to a particular subject matter, area of business or operation within the AFP.

Investigations Standards and Practices

The [Investigations Standards and Practices \(ISP\)](#) provides a point of reference on the AFP Hub for investigations practices and procedures and includes the [Investigator's Toolkit](#) and other governance instruments such as doctrine, standards and manuals.

Authority to issue, review, amend or revoke a functional governance instrument

SES Band 1 appointees and above may authorise the creation of a functional governance instrument if:

- they or their staff have identified a need to detail the practices and procedures to be followed in a specific area of AFP business
- the proposed instrument does not duplicate or contradict content already on the GIF.

Business areas must review their functional governance instruments for accuracy and relevance every three years. If the instrument is no longer relevant, SES Band 1 appointees should authorise its revocation.

3.1.3 Legislatively based instruments, rules and arrangements

The AFP operates under a broad range of Commonwealth, state and territory legislation that typically includes legislative arrangements/agreements, ministerial directions, instruments, appointments, standards, delegations and authorisations. While the Commissioner may issue some of these instruments, most are issued by government ministers and agencies, state and territory police commissioners and other authorities. Examples of legislatively based instruments include:

- AFP special member appointment instruments
- the Commonwealth Procurement Rules issued under the PGPA Act.

3.1.4 External agreements

The AFP operates within an extensive framework of joint governance and external agreements with Australian and foreign government agencies, as well as private sector partners and stakeholders. For more detailed information about creating, reviewing, signing and compliance with external agreements (e.g. an MOU or letter of exchange),

see the [AFP National Guideline on external agreements](#) and [Procedures for developing an external agreement](#).

4. Governance Compliance

4.1 Compliance with mandatory obligations

Mandatory compliance is denoted by the word 'must' in AFP governance instruments, which generally applies to obligations within primary governance instruments (Commissioner's Orders and National Guidelines). Failure to comply with a mandatory obligation may constitute a breach of AFP professional standards and be dealt with under Part V of the [AFP Act](#).

4.2 Section 40 Directions

Under section 40 of the AFP Act, the Commissioner and AFP supervisors may issue lawful directions, instructions or orders to an individual or class of AFP appointees (referred to as 'section 40 directions') which must be complied with.

Section 40 directions should only be issued on a short-term basis with any ongoing requirements captured within an AFP primary governance instrument.

Specific lawful directions, instructions and orders prevail over any AFP governance instrument (except Commissioner's Orders) if there is any inconsistency.

4.3 Departure from mandatory compliance obligations

An AFP appointee may only depart from a mandatory compliance obligation in circumstances where:

- they have considered the risks of departure from the mandatory compliance obligation, including legal and work health and safety risks, and security and professional standards requirements
 - The AFP appointee must obtain advice from relevant AFP advisory areas unless the circumstances are urgent.
- they have consulted with a supervisor prior to the departure, where possible
- the departure is reasonable and justified in the circumstances.

AFP appointees and their supervisors must record any non-compliance and consider formally submitting an [Integrity report form](#) or [Security Incident Report](#) if integrity or organisational risks might subsequently arise.

4.4 Discretionary compliance within guidance information

Guidance or best practice information within a governance instrument, government policy, external agreement or joint agency governance is typically denoted by discretionary terms such as 'should', 'may' or 'have regard to'. Guidance information (as opposed to mandatory compliance governance) is usually found in functional governance instruments.

If an AFP appointee determines it is necessary to depart from guidance information, they should do so with regard to performance, risk management, legal compliance, security and professional standards obligations. Any decision for departing from guidance information should be recorded.

A breach of guidance information may be taken into account in assessing the performance of an AFP appointee. A serious breach may constitute a failure to meet security obligations and/or be a breach of AFP professional standards.

5. Governance roles

5.1 All AFP appointees

All AFP appointees are responsible for:

- having an awareness of the AFP governance framework and specific governance instruments that apply to their area of work
- complying with mandatory obligations.

5.2 Supervisors

Supervisors are responsible for:

- ensuring governance induction and training is provided to AFP appointees under their supervision
- allocating resources to manage governance needs
- raising governance issues to the attention of the business area [governance network member](#) and/or relevant AFP SES appointee.

5.3 AFP SES appointees

AFP SES appointees are responsible for:

- authorising, reviewing and revoking AFP governance instruments within their business area
- ensuring processes, personnel and resources are in place to manage and maintain governance instruments
- ensuring governance instruments:
 - are relevant
 - assist AFP appointees (e.g. keep them safe, easy to understand)
 - do not create unnecessary obligations (i.e. reduce red tape)
- as instrument owners, making decisions about whether an instrument is publishable in the GIF, third-party release and disclosure of AFP governance instruments, noting the AFP's obligations under the Information Publication Scheme ([IPS](#)).

5.4 Governance Network Members

Governance Network Members are a community of governance practitioners appointed by an AFP SES appointee within each business area or command to administer its governance instruments. Network members are responsible for:

- ensuring that the governance instruments owned by their business area are:
 - maintained, including being reviewed by the due date and re-issued by the owner
 - considered for external publication under the [IPS](#)
 - submitted for executive approval and sent for publication, as directed in the [GIF checklist](#) and the [Governance network member guide](#)
- approving 'minor amendments' to their business area's governance instruments with appropriate consultation (see Definitions)
- ensuring that the governance instrument's owner sends an email to all affected AFP appointees when a new instrument or a reviewed instrument containing substantive amendments has been published on the GIF or a revoked instrument has been removed from the GIF
- liaising within the governance network on issues crossing business areas or commands/functions
- ensuring that governance instruments are managed appropriately (e.g. meeting review dates, ensuring they are easy to understand and that they do not create unnecessary obligations).

Governance Network Members must ensure that all governance instruments are published in the [GIF](#) as soon as practicable. If the instrument cannot be published in full (e.g. for security or operational reasons), a page should still be published on the GIF advising AFP appointees how to access the instrument if they have a business need.

5.5 Governance Coordination and Review team

The GCR team is responsible for:

- setting strategic policy for governance
- quality-assuring primary governance instruments (and, on request, functional governance instruments) prior to executive approval and publication
- setting internal policies for GIF development, management and publication
- raising GIF management issues with the appropriate AFP senior executive and/or management committee.
- maintaining a record that details the primary governance instruments of each command/function and the dates that they are due for review.

5.6 Chief Counsel portfolio

Chief Counsel portfolio is responsible for:

- providing legal advice in relation to AFP governance instruments, particularly to ensure legal compliance and management of legal risk

- establishing and maintaining an AFP-wide [collection of legislative delegations and authorisations](#) within the GIF.

6. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Regulations 2018](#) (Cth)
- [Crimes Act 1900](#) (ACT)
- [Crimes Act 1914](#) (Cth)
- [Privacy Act 1988](#) (Cth)
- [Public Governance, Performance and Accountability Act 2013](#) (Cth)
- [Work Health and Safety Act 2011](#) (Cth)

AFP governance instruments

- [AFP National Guideline on information management](#)
- [AFP National Guideline on external agreements](#)
- [AFP National Guideline on the Information Publication Scheme](#)

7. Shortened forms

AFP Act	<i>Australian Federal Police Act 1979</i>
GIF	Governance Instrument Framework
IPS	Information Publication Scheme
PGPA Act	Public Governance, Performance and Accountability Act 2013
SES	Senior Executive Service

8. Definitions

AFP appointee	<p>a Deputy Commissioner, AFP employee, special member or special protective service officer and includes a person:</p> <ul style="list-style-type: none"> ▪ engaged under s. 35 of the AFP Act as a consultant or contractor to perform services for the AFP and determined under s. 35(2) of the AFP Act to be an AFP appointee ▪ engaged overseas under s. 69A of the AFP Act or ▪ seconded to the AFP under s. 69D of the AFP Act.
----------------------	---

(See s. 4 of the AFP Act.)

AFP Risk Profile	a table outlining the AFP's eight key enterprise-level risks, their owners, controls and effectiveness
Business area	teams within an AFP command headed by a commander/manager
Command / Function	a branch of the AFP headed by an assistant commissioner or equivalent
Functional governance	a document, such as a better practice guide, standard operating procedure or handbook, issued by an AFP Senior Executive Service manager or commander in relation to operational, capability or capacity activities for which they have functional responsibility
Governance instrument	a document that conveys to AFP appointees the obligations and procedures required for a safe and secure environment, high professional standards, compliance with legislation, delegation of statutory authority and powers, management of risk, effective administration and operational outcomes consistent with AFP values and the efficient, effective, economical and ethical use and management of Commonwealth funds and property
Governance Instrument Framework	the AFP Hub site that contains governance instruments, templates, reference material and network members' contact details
Governance Network Member	a governance practitioner appointed within an AFP business area to manage that business area's governance instruments
Minor amendment	an amendment that does not affect AFP appointee obligations or the intention of the document (e.g. updating business area names, titles or roles due to an organisational restructure)
Primary governance	a document that establishes rules, orders, instructions and mandatory compliance obligations typically applicable to the whole

instrument of the AFP, namely a Commissioner's Order, the Commissioner's Financial Instructions or a National Guideline

Senior Executive Service (SES) appointee an AFP commander / manager (Band 1), assistant commissioner / national manager or equivalent (Band 2) or deputy commissioner / chief operating officer (Band 3)

Supervisor an AFP appointee with responsibility for managing staff (e.g. sergeant, team leader, superintendent, coordinator, inspector, officer in charge)

Last modified: 4/07/2022 8:12 | **Review due:** 3/05/2025 | **Author:** Governance@afp.gov.au

This page is classified as **OFFICIAL** | [Intranet conditions of use](#) | [Site map](#) | [Hub Admin](#)

© Commonwealth of Australia 2022



AFP Hub

AFP website

ACT Policing website

ACT Policing News website

AFP News Online

Governance Framework

Investigator's Toolkit

Tools and utilities