

# AFP National Guideline on secondary work or volunteering

## 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 information management](#).

### 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

<b>AFP</b>	Australian Federal Police
<b>CO2</b>	AFP Commissioner's Order on Professional Standards
<b>PRS</b>	Professional Standards

## 3. Definitions

**AFP appointee** – means a Deputy Commissioner, an AFP employee, special member or special protective service officer and includes a person:

- engaged overseas under s. 69A of the [Australian Federal Police Act 1979](#) (Cth) (the AFP Act)
- seconded to the AFP under s. 69D of the AFP Act
- engaged under s. 35 of the AFP Act as a consultant or contractor to perform services for the AFP and who has been determined under s.35(2) of the AFP Act to be an appointee.

**AFP Security** – means the business area that has the responsibility for managing the security framework of the AFP and investigating security issues relating to AFP appointees and other personnel.

**AFP sponsor** – is an AFP coordinator/superintendent or above who endorses the reasons and justification for a person to be appointed a special member (or special protective services officer) or secondee, and is responsible for the ongoing oversight and management of the AFP appointment/secondment.

**Applicant** – means an AFP appointee or AFP Police volunteer applying for secondary work or volunteering.

**AFP police volunteer** – means a person who provides services to the AFP without remuneration on the terms set out in a written agreement between the AFP and the person.

**Assigned investigator** - means a member or special member of the AFP who, in accordance with s. 40RF of the Act, is assigned as a member of the Professional Standards unit created by s. 40RD of the Act.

**Delegate** – means a manager or above.

**External work trial** – means an arrangement through an approved rehabilitation provider, which allows an injured employee to work with a host employer for a defined period of time while retaining employment with their pre-injury employer.

**Intellectual property** - means intangible property that attracts rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields. Property protected includes:

- literary, artistic and scientific works
- performances of performing artists phonograms and broadcasts
- inventions in all fields of human endeavour
- scientific discoveries
- industrial designs
- ICT software and hardware
- trademarks, service marks, and commercial names and designations.

**Judicial function**– 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 Australian or foreign law enforcement agency.

**Manager** - means an AFP appointee declared at the Senior Executive Service Band 1 in accordance with s. 25 of the AFP Act.

**National Manager** – means an AFP appointee declared at the Senior Executive Service Band 2 in accordance with s. 25 of the AFP Act.

**Non-appointee contractor** – is any person involved in the delivery of services to the AFP who has not been determined to be an appointee under s. 35(2) of the AFP Act.

**Professional Standards (PRS)** - 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](#).

**PRS Case Officer** – mean the assigned investigator managing the investigation of a category 3 or 4 conduct or corruption issue.

**Secondary work** - means work or duties external to the AFP which an AFP appointee undertakes in addition to their official duties. This may involve:

- paid work
- activities where there is an actual, potential or perceived conflict of interest
- voluntary service

- circumstances where time spent has the potential to impact on the full application of the AFP appointee to their official duties.

**Seconded** – refers to a person seconded from another agency to the AFP under s. 69D of the AFP Act.

**Special member** – means a person appointed under s. 40E of the AFP Act.

**Supervisor** – means a team leader or above.

**Volunteering** – an activity that takes place through an organisation, community group or association and is undertaken:

- to be of benefit to the community and/or the volunteer
- of the volunteer's own free will and without coercion
- for no financial payment
- in designated volunteer positions.

Volunteering includes work experience or placement external to the AFP undertaken as part of tertiary or vocational study, irrespective of whether the course of study is approved under the [AFP Tertiary Study Assistance Scheme \(ATSAS\)](#).

This definition excludes voluntary service with the [AFP Diversity Employee Networks](#), or the acceptance of elected union positions, but includes voluntary service with AFP Legacy and the AFP National Sports Federation as associations incorporated under the [Associations Incorporation Act 1991 \(ACT\)](#).

**Work** – any task or activity for which an individual receives benefit in the form of salary, wages, commission or other things of value.

**Work Health Safety and Rehabilitation** – means the business area which provides strategic direction to the AFP on the development of its injury prevention and injury management programs.

## 4. Guideline authority

This guideline was issued by National Manager People Safety and Security 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

This guideline details the obligations for AFP appointees and non-appointee contractors applying for, engaging in, and managing work or volunteering external to the AFP.

## 6. Policy

The AFP is committed to ensuring both organisational and AFP appointee integrity in order to maintain government and community support.

Applicants may be given approval to engage in secondary work or volunteering if such activities

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do not represent an integrity or reputational risk to the organisation, or a work health and safety risk for the AFP appointee in the performance of their official AFP duties.

Non-appointee contractors must notify the AFP of their secondary work or volunteering by submitting a change of circumstances form (AFP HUB) to Security to ensure there is no conflict of interest or impact on their organisational suitability to provide services to the AFP.

## 7. Approval

Before undertaking any secondary work or volunteering, applicants must:

- consider whether tasks or activities undertaken outside of their AFP official duties meet the definition of secondary work or volunteering
- consider any actual, potential, or perceived conflicts of interest
- consider any security risks
- ensure the secondary work or volunteering does not fall into the category of prohibited as outlined in attachment A of this guideline
- complete the AFP's [secondary work or volunteering application form](#) (AFP Hub)
- submit the application form to their supervisor for consideration and progression.

The delegate has the responsibility for the final decision. Approval for secondary work or volunteering may be varied or revoked by the delegate or Manager Professional Standards at any time.

For an application to be approved, the delegate must be satisfied that the secondary work or volunteering will not:

- give rise to an actual conflict of interest
- adversely affect an AFP appointee's ability to perform their official duties
- constitute a prohibited activity as outlined in attachment A of this guideline
- negatively impact the safety or wellbeing of the AFP appointee in their workplace.

To ensure these considerations are met, the applicant's supervisor or the delegate may seek further information from the applicant or may consult with [Professional Standards](#), [Security](#) or [Work Health Safety and Rehabilitation](#) for further advice.

Employment with the AFP must take precedence over secondary work or volunteering.

### 7.1 Considerations for applicants

- Applicants must not commence any secondary work or volunteering until approved by the delegate.
- Approval is conditional and valid for one year.
- Applicants must seek re-approval on an annual basis.
- Applicants must submit only one type of secondary work or volunteering activity per application.
- The agreement to engage in secondary work or volunteering must be reviewed by the applicant and their supervisor when:
  - the employee or the supervisor determine issues with managing or fulfilling the agreement

- there are changes to the business needs
  - the employee's personal situation changes or
  - the employee is transferred or promoted.
- Applicants must submit a variation form when they identify any minor changes to their existing approved application. A variation form should be treated as a new application. Variations may include:
    - when applicants are promoted or transferred within the AFP during the approval period
    - where any minor changes in the nature of their secondary work or volunteering occur during the approval period (e.g. minor increase in hours/working conditions) and
    - any other minor changes to sections A or B on the secondary work or volunteering application form during the approval period.
  - Where there are significant changes in the nature of the secondary work or volunteering (e.g. new role, new employer, casual to permanent part time), the current agreement must be terminated and a new application submitted for approval.

## 7.2 Considerations for supervisors and delegates

Primary considerations in recommending or approving secondary work or volunteering must be:

- ensuring the integrity and good reputation of the AFP and its appointees is maintained
- ensuring the potential for corrupt conduct, conflicts of interest and compromise of AFP operations and information is minimised
- ensuring potential security implications for the AFP and the applicant are addressed
- promoting the health and wellbeing of the applicant and other AFP appointees
- the continued effective performance of official AFP duties.

If a delegate, after reasonable consideration, perceives that the proposed secondary work or volunteering breaches this guideline, or falls into the prohibited category as outlined in attachment A of this guideline, the application must not be approved.

The applicant may seek a review of the delegate's decision in accordance with s. 13 of this guideline.

## 7.3 Reporting obligations

All applicants must report any actual, potential or perceived conflicts of interest arising from the secondary work or volunteering to their supervisor or AFP contract manager as soon as practicable. Applicants must comply with their usual obligations in relation to security and integrity reporting.

For the purposes of this guideline:

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

**Perceived conflict of interest** - means the appearance of a conflict between an AFP appointee's private interests and official AFP duties which could be seen to influence the applicant in performing those duties, whether or not the influence actually occurs.

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

Non-appointee contractors must submit a [Change of circumstances](#) form (AFP Hub) to [Security](#) where there has been a change in the nature of their secondary work or volunteering or a conflict of interest arises.

## 8. Application of the guideline

### 8.1 Special members

Special members are AFP appointees and are subject to the same legislative obligations as AFP appointees and must abide by AFP governance relevant to the performance of AFP duties, except where specifically exempt.

However, as they remain employed by their home agency, they still need to comply with their home agency's employment and governance framework.

Special members who are not required to complete a security vetting process and do not have access to AFP premises are not required to submit an application for approval under s. 7 of this guideline. For example:

- New South Wales police officers attached to Monaro Local Area Command, who may be required to exercise AFP powers to enforce ACT law while travelling through the ACT or involved in joint AFP cross border operations
- members of the Australian Crime Commission who require special member status to exercise legislative authority.

Special members who hold an AFP security clearance and have access to AFP premises are subject in full to this National Guideline and must submit an application for approval to engage in secondary work or volunteering. For example:

- special members engaged by the AFP in the Australian External Territories.

### 8.2 Secondees

A person seconded to an AFP workplace under s. 69D of the [Australian Federal Police Act 1979](#) (Cth) and supervised by an AFP appointee must abide by AFP governance and reporting obligations relevant to the performance of their AFP duties.

All secondees are subject to this guideline, but are not required to submit an application for secondary work in relation to;

- their home agency employment; or
- secondary work or volunteering which was already in place before the secondee commenced duties, and the secondee declared this secondary work or volunteering through the AFP security clearance process.

Secondees are required to submit an application for all new secondary work or volunteering during their secondment.

### 8.3 Contractors



## AFP appointee contractors

Contractors deemed to be AFP appointees are subject in full to this guideline. Contractors should submit the application form to the functional line manager for approval. Where the contractor does not have an AFP functional line manager, the delegate for approval of applications for secondary work or volunteering is Manager Commercial Services.

Appointee contractors are not required to submit an application in relation to secondary work or volunteering which was already in place before the contractor commenced duties, and the contractor declared this secondary work or volunteering through the AFP security clearance process.

Further information can be found in the [AFP Appointee \(Contractors\) Toolkit](#) (AFP Hub).

## Non-appointee contractors

Contractors not deemed to be AFP appointees are not required to submit an application for secondary work or volunteering. Any secondary work or volunteering must be declared during the AFP security clearance process, with changes during the contract period reported to [Security](#) via the [Change of circumstances](#) form (AFP Hub).

Where a non-appointee contractor has a conflict of interest or is involved in prohibited or restricted activities, their organisational suitability to provide services to the AFP will be assessed by Security and may result in the AFP ceasing the contract.

## 8.4 AFP police volunteers

AFP police volunteers must apply for secondary work or volunteering in accordance with this guideline, excluding duties undertaken as a Justice of the Peace as part of their AFP police volunteer role.

Applications for secondary work or volunteering should be submitted to the delegate via the program manager of the [Volunteers in Policing Program](#).

## 9. Defence Reserve Service

AFP appointees undertaking Defence Reserve Service must submit a [secondary work or volunteering application form](#) (AFP Hub) in accordance with this guideline. The AFP is committed to its obligations under the [Defence Reserve Service \(Protection\) Act 2001](#) (Cth) and applications for Defence Reserve Service should be supported by the delegate.

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.

Further guidance can be found in the [Human Resources Policy on Defence Reserve Service](#).

## 10. Restrictions

### 10.1 Prohibited activities

Secondary work or volunteering **must not** involve any of the activities outlined in **Attachment A – prohibited activities**.

## 10.2 Restricted activities

Secondary work or volunteering which is not recommended, but may be considered on a case-by-case basis is outlined in **Attachment B – restricted activities**.

Applicants requesting secondary work or volunteering for any restricted activities must submit an application to [Professional Standards](#), via their supervisor, for decision by Manager Professional Standards (MPRS).

The applicant must provide a detailed declaration in step (1)(D) of the application for secondary work or volunteering to address:

- actual, potential or perceived conflicts of interest
- security risks
- restricted activities
- the damage that could be experienced by the AFP
- how these risks will be managed

Additionally, all actual conflicts of interest, security risks and restricted activities must have a management strategy included with the application, prepared with supervisor consultation for Manager approval.

MPRS will either approve or refuse the applicant to engage in **any restricted activity**.

## 11. Roles and responsibilities

**The applicant** must:

- complete the [application for secondary work or volunteering](#) and forward to their supervisor
- not commence any secondary work or volunteering until the delegate has approved the application
- forward all secondary work or volunteering applications approved or refused, to:
  - [Payroll Administration](#)
  - [Professional Standards Operations Monitoring Centre](#) and
  - [Personnel Security Vetting](#)
- report any changes to the nature or circumstances of secondary work or volunteering to their supervisor, in accordance with s.7 of this guideline.

**The supervisor** must:

- consider the application in accordance with this guideline
- forward the application to the delegate, with recommendations, in a timely manner
- where the application is for restricted or prohibited activities, follow s. 10.2 of this guideline
- return the application form, either approved or refused, to the applicant.

**The delegate** must:

- consider the application in accordance with this guideline



return approved applications to the supervisor to provide to the applicant

- provide refused applications, with reasons, to [Professional Standards Operations Monitoring Centre](#) and to the supervisor to return to the applicant.

#### **Professional Standards** must:

- on receipt of an application for restricted secondary work or volunteering, conduct an assessment of the application for integrity considerations or conflicts of interest and provide the application to Manager Professional Standards for decision
- refer the application form to AFP Security if security issues are identified during the assessment
- return approved or refused applications to the supervisor

#### **AFP Security** must:

- on receipt of an application for restricted secondary work or volunteering from Professional Standards, conduct a security assessment
- provide advice to Professional Standards on whether or not an application contains a security risk
- review any change of circumstances for non-appointee contractors who engage in secondary work or volunteering, and make an organisational suitability assessment in relation to the delivery of services by the non-appointee contractor to the AFP.

#### **AFP contract managers** must:

- inform all contractors of their obligations under this guideline
- monitor contractor compliance with this guideline.

#### **Work Health Safety and Rehabilitation** must:

- on receiving an enquiry, provide advice to line management whether an applicant's secondary work or volunteering is likely to have a negative impact on the health, wellbeing and safety of the applicant or other AFP appointees
- submit 'external work trial' paperwork relating to a Comcare Return to Work Program to [Professional Standards Operations Monitoring Centre](#) for review, where the trial activity is listed in **Attachment B – restricted activities**.

#### **Payroll Administration** must:

- ensure all application forms, approved and not approved, are uploaded and maintained in the AFP HR system
- provide reports to the delegate as requested.

#### **National Manager People Safety & Security** must:

- on request from an applicant, review (or nominate an independent senior executive AFP appointee to review), in accordance with s. 13 of this guideline, a decision to refuse secondary work or volunteering.

## 12. Leave and suspension

### 12.1 Suspended AFP appointees

Secondary work or volunteering applications from AFP appointees who are under suspension, with or without pay, must be referred to Manager Professional Standards, or the delegate who suspended the AFP appointee, via the AFP appointee's PRS case officer (not line management) for assessment.

Applications are considered on a case-by-case basis. Applicants should discuss applications for secondary work with their PRS Case Officer in the first instance.

## 12.2 Undertaking secondary work or volunteering while on leave

Applicants must not undertake secondary work or volunteering while on extended personal leave for a medical condition, except in circumstances outlined in s. 12.3 of this guideline, or otherwise in accordance with prior approval from the applicant's supervisor.

An applicant must seek approval from the appropriate delegate if they wish to commence secondary work or volunteering during any other period of leave.

## 12.3 Undertaking secondary work or volunteering while on workers' compensation leave

Applicants who are on leave with an open compensation claim are required to lodge an application for all secondary work or volunteering, except where the activity relates to a work trial under an approved Comcare Return to Work Program.

Where the activity relates to a work trial under an approved Comcare Return to Work Program, the delegated rehabilitation case manager must progress the necessary paperwork for an external work trial placement for approval, in lieu of an application for secondary work or volunteering.

## 13. Review of delegate's decision

AFP appointees may seek a review of the delegate's decision to withdraw or deny approval to engage in secondary work or volunteering. The request must be made in writing to National Manager People Safety & Security (NMPSS).

NMPSS must review the decision or appoint a senior executive AFP appointee, independent from the initial decision, to undertake a review.

Withdrawal or denial of approval to engage in secondary work or voluntary service is effective immediately. During any review period, AFP appointees must not engage in secondary work or volunteering that has not been approved or where approval has been withdrawn.

## 14. Further advice

Any queries relevant to the content of this guideline should be referred to [prsomc@afp.gov.au](mailto:prsomc@afp.gov.au).

## 15. References

## Legislation

- [Associations Incorporation Act 1991](#) (ACT)
- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Regulations 1979](#) (Cth)
- [Defence Reserve Service \(Protection\) Act 2001](#) (Cth)
- [Fair Work \(Registered Organisations\) Act 2009](#) (Cth).

## AFP governance instruments

- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on conflicts of interest](#)
- [AFP National Guideline on information management](#)
- [AFP National Guideline on information security](#)
- [AFP National Guideline on integrity reporting](#)
- [Australian Federal Police Enterprise Agreement 2012-2016](#)
- [Better Practice Guide on AFP support or sanctioning of events](#)
- [Cooperation Agreement between the AFP and AFP Legacy Inc](#)
- [Cooperation Agreement between the AFP and AFP National Sports Federation.](#)

## Other sources

- [AFP Appointee \(Contractors\) Toolkit](#)
- [Application for Secondary Work or Volunteering](#)
- [Human Resources Policy on Defence Reserve Service.](#)

## Attachment A – prohibited activities

Secondary work must not involve:

- non-government employment which publicly advertises employment with the AFP
- wearing any part of the AFP uniform or use of AFP controlled items or accoutrements
- any use of AFP ICT systems and/or other AFP resources, with the exception of circumstances outlined in s. 10.5 of the [AFP National Guideline on information security](#)
- use of any classified information, intellectual property of the AFP and/or knowledge of law enforcement methodology obtained through employment, or training whilst employed, with the AFP including, but not limited to:
  - the national security, criminal, intelligence or international environments
  - AFP ICT systems
  - law enforcement methodologies including, but not limited to:
    - personal protection
    - driver training methods
    - technical activities
    - surveillance
    - operational safety training methods.

## Attachment B – restricted activities

Secondary work or volunteering is restricted where:

- volunteering advertises employment with the AFP outside of officially sanctioned voluntary service in accordance with the [Better Practice Guide on AFP support or sanctioning of events](#), the [Cooperation Agreement between the AFP and AFP Legacy Inc](#), and the [Cooperation Agreement between the AFP and AFP National Sports Federation](#)
- involved with regulated industries requiring a license to operate including, but not limited to the sex, gaming, liquor, transport, security, real estate, and car dealership industries, irrespective of whether the applicant is the licensee
- there is an increased risk of declarable associations, such as gyms, martial arts training, health clubs, tattoo parlours or associated industries
- involved in any capacity in the private or commercial inquiry industry including, but not limited to debt collection and process serving of legal documents
- seeking government appointments or elected local council positions. Commonwealth or State Parliamentary candidacy or Territory Legislative Assembly candidacy is managed in a separate process outlined in Division 2.3 of the [Australian Federal Police Regulations 1979](#).
- performing a judicial function, excluding the Justice of the Peace function performed by AFP police volunteers
- involved with organisations which advocate behaviour contrary to the [AFP Code of Conduct](#)
- using nationally accredited qualifications funded by the AFP.
- involved with other national or international government agencies, including law enforcement agencies, with the exception of officially sanctioned positions and secondments.

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