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The Australian Federal Police Commissioner's Order on Professional Standards (CO2)

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

- sections 37, 38, 40RC(1), 40TA(1) and 69C of the [Australian Federal Police Act 1979](#) (Cth)
- section 79 of the [Australian Federal Police Regulations 2018](#) (Cth)

issue this Commissioner's Order on professional standards within the terms set out in the following text and in any attachments to it.

This Order may be cited as Commissioner's Order 2.

This Order takes effect from its publication on the AFP intranet.

Reece P Kershaw APM
2020

1. Security classification

1.1 This document is classified **OFFICIAL** and is intended for internal AFP use. Wider dissemination should be approved by the document owner or authorised by Commonwealth law.

2. Shortened forms

AC	Assistant Commissioner
ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
CCT	Complaints Coordination Team
CFIs	Commissioner's Financial Instructions
CMT	Complaint Management Team
COS	Chief of Staff
CPO	Chief Police Officer for the ACT
CPRS	Commander Professional Standards
CRAMS	Complaint Recording and Management System
NM	National Manager
PROMIS	Police Real-time On-line Management Information System
PRS	Professional Standards
PRSIU	Professional Standards Investigations Unit
SES	Senior Executive Service

3. Introduction

3.1 The 'AFP professional standards' are the Commissioner's expectations regarding how AFP appointees conduct themselves pursuant to sections 38 and

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40RC of the Act. The AFP professional standards include the AFP core values and code of conduct as outlined in this Order.

3.2 The [AFP integrity framework](#) is the broader range of strategies to prevent, detect and respond to the risk of corruption, misconduct and practices issues. The AFP integrity framework encompasses the AFP professional standards along with the AFP's complaint management methodology and processes.

4. Purpose

4.1. This Order gives effect to relevant provisions of Part V of the AFP Act by:

- setting the AFP professional standards to maintain the good order and discipline of the organisation
- outlining the AFP complaint management methodology and processes in accordance with Part V of the Act, including the roles of AFP appointees, Professional Standards (PRS) and the Professional Standards Panel.

Part A – AFP professional standards

5. AFP professional standards scope

5.1. All AFP appointees must be aware of and comply with the AFP's [integrity framework](#), and maintain the highest level of professional standards both in their official and private capacities.

5.2. The AFP professional standards are the responsibility of every AFP appointee in Australia, its territories and international jurisdictions.

6. AFP Supervisory obligations

6.1. AFP appointees in supervisory positions must ensure their team members are aware of and comply with the AFP's [integrity framework](#).

7. AFP Core Values

7.1. All AFP appointees must adhere to the AFP Core Values as follows:

Value	Description
Integrity	Displayed through soundness of moral principle, honesty and sincerity.
Commitment	Characterised by dedication, application, perseverance, a belief in our ability to achieve and add value.
Excellence	Never-ending search for improvement leads to excellence. We aim for excellence in everything we do.
Accountability	Ownership of work or results and being answerable for outcomes.
Fairness	Being impartial and equitable.
Trust	Having faith and confidence and being able to rely and depend on others.

Respect	Treat others how you want to be treated and value their contributions.
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8. AFP Code of Conduct

8.1. Adhering to the AFP Code of Conduct in this section is fundamental to complying with the professional standards of the AFP.

8.2. An AFP appointee must act with due care and diligence in the course of AFP duties.

8.3. An AFP appointee must act with honesty and propriety in the course of AFP duties.

8.4. An AFP appointee must act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties.

8.5. An AFP appointee must comply with all Australian laws. For this purpose, Australian law means any:

- Act, or any instrument made under an Act
- law of a state or territory, including any instrument made under such a law.

8.6. An AFP appointee must comply with any lawful direction given by a person who has the authority to give such direction.

8.7. An AFP appointee must disclose, and take reasonable steps to avoid, any conflict of interest (actual, perceived or potential) connected to their AFP duties or employment.

8.8. An AFP appointee must not improperly use:

- information obtained directly or indirectly as a result of AFP duties or employment, and/or
- duties, status, power or authority as an AFP appointee

in order to gain, or seek to gain, a benefit or advantage for the AFP appointee, or for any other person, or for any other improper purpose.

8.9. An AFP appointee must use and manage Commonwealth resources in a proper manner.

8.10. An AFP appointee must behave in a way that upholds the good order, discipline and security of the AFP.

8.11. An AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP.

8.12. While deployed overseas, an AFP appointee must behave in a way that upholds the good reputation of Australia.

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8.13. An AFP appointee must not do either of the following with the intention of prejudicing police services or protective service functions:

- fail to give prompt attention to their duties
- be absent from duty without authority.

8.14. Information—unauthorised disclosures

An AFP appointee must not, without lawful authority or excuse, disclose or take any action that brings, or is intended to bring, information to the notice of another AFP appointee or any other person, relating to:

- information given by a person under Part V of the Act (professional standards and AFP conduct and practices issues) that raises an AFP conduct issue
- a decision made by the Commissioner under section 40SD of the Act that an AFP conduct issue in relation to an AFP appointee is to be dealt with under Part V of the Act
- an investigation of an AFP conduct issue in relation to an AFP appointee under Subdivision D of Division 3 of Part V of the Act (dealing with category 3 conduct issues and corruption issues)
- an inquiry under Division 4 of Part V of the Act (Ministerially directed inquiries).

8.15. Information—unauthorised use or access

An AFP appointee must not do either of the following except in the performance of the AFP appointee's duties:

- use or communicate to another person any information that comes to the AFP appointee's knowledge, or into the AFP appointee's possession, by reason of being an AFP appointee
- obtain access to information by reason of being an AFP appointee.

An AFP appointee is deemed to have obtained access to information even if the information:

- is not in the possession, or under the control, of the AFP
- consists of a computer program or part of a computer program, or is otherwise stored in, or entered or copied into, a computer.

9. Compliance with governance and legislative instruments

9.1. AFP governance instruments

AFP appointees are required to comply with AFP governance mandatory compliance requirements which are denoted by the word **must** to highlight the obligation within an AFP governance instrument.

9.2 Compliance with Australian law, legislative instruments and legislative arrangements

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Under the AFP Code of Conduct, AFP appointees must comply with the Australian law (including state and territory law) and any instruments made under a law. In addition to compliance with Australian law, AFP appointees must comply with Commissioner's Orders pursuant to section 39 of the Act.

Note: Legal instruments and obligations established under legislation prevail to the extent of inconsistency with AFP governance instruments.

9.3. Section 40 directions

Under section 40 of the Act, the Commissioner and supervisors may issue lawful directions, instructions and orders to an individual or class of AFP appointees (referred to as "s40 directions") which must be complied with.

Section 40 written directions should only be issued on a short-term basis with any ongoing requirements captured within an AFP governance instrument. Specific lawful directions, instructions and orders will prevail over any AFP governance instrument (with the exception of Commissioner's Orders) to the extent of any inconsistency.

9.4. Compliance with government policy, external agreements and joint agency governance

Government policy, external agreements (including memorandums of understanding) and joint governance instruments issued by, or in agreement with, external agencies may apply directly to AFP appointees. AFP appointees need to be familiar with and comply with these instruments, including any explanatory or interpretive information within the instrument that establishes mandatory compliance obligations.

9.5. 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 rule, 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 reporting the matter where integrity or organisational risks might subsequently arise.

9.6. Compliance with guidance information

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Best practice guidance within a section of an AFP governance instrument, legislatively based instrument, government policy, external agreement or joint agency governance is typically denoted by the terms '**should**', '**may**' or '**have regard to**'.

AFP appointees must still have regard to performance, risk management, legal compliance, security and professional standards obligations prior to departing from guidance information. Any decision and reasons for departing from the 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 a breach of the AFP professional standards.

10. Contravening AFP professional standards

10.1. Contravening the AFP professional standards is an AFP conduct issue (which includes corrupt conduct) pursuant to section 40RH of the Act.

10.2. An AFP appointee who learns that another AFP appointee has contravened the AFP professional standards must report it according to Part A of the [AFP National Guideline on complaint management](#).

10.3. An AFP appointee reporting information pursuant to section 10.2 of this Order may disclose that information, and in doing so fulfil their mandatory reporting requirements, as follows:

- a) to Safe Place. This only relates to matters concerning sexual assault, sexual harassment, harassment and/or bullying.
- b) to the Confidant Network, pursuant to the [AFP National Guideline on the Confidant Network](#).

10.4. Contravention of the [Commissioner's Financial Instructions](#) (CFIs) must be reported to the Chief Financial Officer via the Financial Compliance Report process. Contravening CFIs may be treated as contravening the AFP professional standards if it also contravenes the [AFP Code of Conduct](#).

10.5. The Commissioner or their delegate may take action in relation to an AFP conduct issue in accordance with Division 3, Part V of the Act, the [Australian Federal Police Regulations 2018](#) (Cth), this Order and the [AFP National Guideline on complaint management](#).

Part B – Complaint management methodology and processes

11. Conduct issues and practices issues

11.1. Part V of the Act establishes the procedures to raise and deal with:

- AFP conduct issues
- AFP practices issues
- other issues related to the AFP.

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11.2. These procedures are detailed in the [AFP National Guideline on complaint management](#).

11.3. The AFP has the primary responsibility for resolving AFP practices issues and AFP conduct issues which do not involve significant corruption.

12. Categorising AFP conduct issues

12.1. Division 1, Subdivision E, Part V of the Act deals with categorising AFP conduct issues. Sections 40RN, 40RO and 40RP of the Act state the categories of AFP conduct issues.

12.2. Pursuant to section 40RM of the Act, the Commissioner and the Ombudsman have determined that conduct of a particular kind will be categorised as Category 1, 2 or 3 conduct issues. This is given effect by the [Australian Federal Police Categories of Conduct Determination 2013](#) as varied from time to time.

12.3. AFP conduct issues are dealt with according to their seriousness and as defined by their category according to Division 1, Subdivision E, Part V of the Act and section 14 of this Order.

- Wherever possible, Category 1 and Category 2 conduct issues are dealt with by management action.
- Category 3 conduct issues must be investigated by the Professional Standards Investigations Unit (PRSIU)
- Corruption issues may be investigated by the PRSIU and/or ACLEI in accordance with Part V of the Act and Part 6 Division 1 of the [Law Enforcement Integrity Commissioner Act 2006](#) and as agreed between the AFP Commissioner and the Integrity Commissioner.

12.4. The Head of the Unit, or an authorised AFP appointee, must notify the Commonwealth Ombudsman, within a reasonable timeframe, of complaints received about Category 3 conduct issues pursuant to section 40TM of the Act.

13. Investigating and/or resolving Category 1 and Category 2 AFP conduct issues

13.1. Complaint Management Teams (CMTs) are responsible for investigating, resolving and applying outcomes to Category 1 and Category 2 AFP conduct issues and associated AFP practices issues.

13.2. The Head of the Unit or Commander Professional Standards (CPRS) must ensure that CMTs are established pursuant to the [National Guideline on complaint management](#).

13.3. CMT functions, roles and duties are set out in the [AFP National Guideline on complaint management](#).

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13.4. AFP appointees undertaking an investigation of a Category 1 or 2 conduct issue, or an associated AFP practices issue, are exempt from reporting contact with suspended AFP appointees where it is for the purpose of the investigation.

13.5. Attachment 1 to this Order provides a table of authorisations, including those to investigate and manage Category 1 and Category 2 AFP conduct issues.

14. Investigating Category 3 conduct and corruption issues

14.1. The PRSIU is the unit constituted under section 40RD of the Act.

14.2. The Head of the Unit is responsible for managing professional standards issues under Part V of the Act and according to this Order, the [Commissioner's Order on Governance \(CO1\)](#) and the [National Guideline on complaint management](#).

14.3. The PRSIU role is to investigate Category 3 AFP conduct issues according to the [AFP National Guideline on complaint management](#).

14.4. The PRSIU may also investigate corruption issues according to the relevant provisions of the [Law Enforcement Integrity Commissioner Act 2006](#) (Cth) and as agreed between the Commissioner and the Integrity Commissioner.

14.5. AFP appointees in PRS are exempt from reporting contact with suspended AFP appointees where it is in the course of their official duties.

14.6. At the completion of an investigation, the assigned investigator must make a finding in a written report according to section 40TU of the Act and give the report to:

- the Head of the Unit if the matter was allocated under section 40TN; or
- the Commissioner if the issue was allocated under section 40TO.

This reporting must be in accordance with the [AFP National Guideline on complaint management](#) and must include any recommendations that the investigator makes under section 40TR of the Act.

14.7. Attachment 1 to this Order provides a table of authorisations and delegations, including those for investigating and managing Category 3 AFP conduct issues and corruption issues

15. PRS Panel & Senior Executive Service (SES) Panel – Sanctions for Category 3 conduct and corruption issues

15.1. This Order establishes a Professional Standards Panel (PRS Panel) and SES Panel to:

- consider the findings in investigation reports made pursuant to section 40TU of the Act
- advise the Panel Delegate, regarding the sanction to be applied under section 40TV of the Act.

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15.2. The PRS Panel and SES Panel composition, functions, responsibilities and processes are set out in the [AFP National Guideline on complaint management](#).

15.3. The PRS Panel, as an advisory body, will assist the Panel Delegate in determining the appropriate sanction to be applied in relation to established Category 3 conduct or corrupt conduct issues under Part V of the AFP Act.

15.4. The SES Panel is an advisory body which considers sanctions for Category 3 conduct and corrupt conduct issues established against an AFP appointee at the AFP SES Band 2/Assistant Commissioner (AC)/National Manager (NM) level following a Part V investigation.

16. AFP practices issues

16.1. An AFP practices issue relates to the practices or procedures of the AFP, whether those practices or procedures are carried out within, or outside, Australia. It does not relate to a breach of AFP professional standards by an AFP appointee, instead it is a complaint about the practices and/or procedures the AFP expects appointees to comply with when completing their duties. An AFP practices issue may be raised separately to a conduct issue or may be associated with an AFP conduct issue.

16.2. Where an AFP practices issue is associated with an AFP conduct issue, the AFP practices issue must be dealt with in accordance with the [AFP National Guideline on complaint management](#). Subsection 40TW(2) of the Act also requires an investigator to prepare a report under section 40TU and identify AFP practices issue/s in the report.

16.3. A complaint raising only an AFP practices issue must be recorded in writing and dealt with in accordance with the [AFP National Guideline on complaint management](#).

17. Complaint referral and recording

17.1. As provided in section 40SA of the Act, a person may give to an AFP appointee (the complaint recipient) information raising an AFP conduct or AFP practices issue.

17.2. An AFP appointee who is aware of a breach of the AFP professional standards must report and/or record the details of the conduct issue according to the [AFP National Guideline on complaint management](#).

17.3. An AFP appointee who is aware of an AFP practices issue must report it according to the [AFP National Guideline on complaint management](#).

17.4. Nothing in this Order precludes an AFP appointee from:

- using the AFP Confidant Network according to the [AFP National Guideline on the Confidant Network](#)
- directly notifying the Integrity Commissioner about a corruption issue according to provisions in section 23 of the [Law Enforcement Integrity Commissioner Act 2006](#) (Cth)

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- reporting to Safe Place matters concerning sexual assault, sexual harassment, harassment and/or bullying within or connected to the workplace
- reporting and dealing with matters which do not form a complaint, according to the [AFP National Guideline on complaint management](#), by using other mechanisms outlined in section 9 of that guideline.

18. Confidentiality

18.1. In accordance with section 8.14 of this Order, an AFP appointee must not, directly or indirectly, record, divulge or communicate any information coming to their attention as a result of a complaint (complaint management information) to any other person except for the purposes of complaint management or where there is a lawful authority or excuse.

18.2. Complaint management involves receiving, recording, investigating and managing information given pursuant to Part V of the Act. The [AFP National Guideline on complaint management](#) specifies the roles of complaint recipients, complaint investigators and CMTs, including their responsibilities for dealing with complaint management information.

18.3. CPRS, a PRS Coordinator or Superintendent may authorise disclosing complaint management information to ensure the good order, administration or discipline of the AFP. This includes disclosure for:

- assessing suitability for ceremonial and recognition considerations
- deploying AFP appointees, recruiting, selecting and advancing AFP appointees
- security considerations
- matters concerning the interests of the AFP, the government or the community
- providing legal advice and legal services
- reasons otherwise authorised by law
- the purpose of AFP appointee welfare.

18.4. To effectively conciliate or manage a complaint, or apply sanctions pursuant to Part V of the Act, complaint management information may be provided by CPRS, a PRS Coordinator or Superintendent to appropriate AFP appointees in the relevant AFP business area. Where the complaint management information relates to a Category 1 or Category 2 conduct issue that has been assigned to a CMT, the Chair of that CMT is authorised to provide this information to appropriate AFP appointees in the relevant AFP business area. Appropriate AFP appointees may include the subject AFP appointee's current Supervisor, Coordinator/Superintendent, Manager/Commander of the relevant business area or the relevant AFP contract manager where the involved AFP appointee is a contractor.

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19. Security issues

19.1. Where conduct or practices issues also raise AFP security issues, PRS should consult with AFP appointees performing security functions to determine the most appropriate course of action after considering all available information

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and, where necessary, consulting with AFP Legal. For Category 1 or 2 conduct issues or practices issues this responsibility may be delegated to the CMT Chair.

20. Offences

20.1. Part V Division 8 of the Act provides for offences relating to victimisation, complainants providing false information and AFP appointees providing false particulars. Authority to commence investigations and proceedings in relation to these offences rests with the Head of the Unit.

21. PRS Investigation oversight – Death or serious injury associated with police contact

21.1. The aim of an investigation into a death or serious injury associated with police contact is to 'reveal the truth' about what happened and determine whether:

- police action was reasonable and proportionate in the circumstances
- any inaction was not the result of a failure to discharge duties and responsibilities
- there are any lessons to be learnt that may prevent a future death or serious injury.

21.2. The AFP must be able to assure the public that:

- the investigation is carried out effectively, with integrity and professionalism and without fear, favour or bias
- the independence of the investigation is maintained and any conflicts of interest are identified and managed
- the investigation is given appropriate priority and is undertaken in a timely manner
- there is an appropriate level of 'next of kin' involvement as necessary
- the investigation is transparent.

21.3. PRS must be notified of any death or serious injury associated with police contact as soon as possible in accordance with the [AFP National Guideline on critical incidents \(deaths and serious injuries associated with police contact\)](#). PRS are responsible for progressing any serious misconduct issue identified pursuant to Part V of the Act.

21.4. PRS must also be notified of other occurrences as described in the [AFP Commissioner's Order on Operational Safety \(CO3\)](#). The notification requirement exists regardless of whether or not the occurrence, death or serious injury has also been declared a critical incident or reported to Comcare.

21.5. CPRS must, after receiving a report submitted under this section, determine the nature of PRS' involvement and then notify either the Chief Police Officer for the ACT (CPO) or the NM/AC responsible for the:

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- operation
- operational decision
- AFP appointee involved in the incident.

21.6. Where AFP jurisdiction exists, an appropriately skilled investigations team external to PRSIU may be appointed to investigate a death or serious injury associated with police contact. The formulation of an investigation team outside of PRS must be determined by the CPO or an NM/AC in consultation with CPRS. Further to any other investigational objective, such an investigation must determine whether:

- any action or inaction was the result of a failure to discharge the duties and responsibilities of any AFP appointee
- anything could have been done to prevent the death or injury.

21.7. Where such a team is established, PRSIU has the primary role of overseeing the investigation.

21.8. Where PRSIU undertakes the role of overseeing an investigation as referred to in section 21.7 of this Order, CPRS will allocate a member of the PRSIU to undertake the oversight role.

21.9. The PRSIU member must, in consultation with CPRS and a PRSIU Superintendent or Sergeant, provide assurance that the principles outlined in section 21.2 of this Order were achieved.

21.10. The PRSIU member must prepare a statement for any court proceedings or write a report to CPRS stating their own actions to assure the above principles.

21.11. If the death or serious injury occurs outside AFP jurisdiction and another police jurisdiction investigates, CPRS must, as soon as practicable, liaise with the relevant jurisdiction with responsibility for the investigation and consult with the applicable Assistant Commissioner.

21.12. The sections above do not remove or amend reporting obligations under work health and safety legislation.

22. Definitions

22.1. In this Order the meanings of certain terms are as follows:

AFP appointee – a deputy commissioner, AFP employee, special member or special protective service officer and includes a person:

- engaged under section 35 of the AFP Act as a consultant or contractor to perform services for the AFP and determined under section 35(2) of the AFP Act to be an AFP appointee
- engaged overseas under section 69A of the AFP Act or
- seconded to the AFP under section 69D of the AFP Act.

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(See section 4 of the AFP Act.)

AFP conduct issue – has the same meaning as defined in section 40RH of the Act.

AFP Confidant Network – has the same meaning as defined in the [AFP National Guideline on the Confidant Network](#).

AFP governance instrument – means a governance instrument issued by the Commissioner, Commissioner's delegate or AFP SES manager under [Commissioner's Order on Governance \(CO1\)](#).

AFP practices issue – has the same meaning as in section 40RI of the Act.

Complaint – means the giving of information pursuant to section 40SA of the Act.

Complainant – has the same meaning as contained within section 40SA of the Act.

Complaint management information – means information obtained when recording, investigating or managing a conduct issue.

Complaint management team (CMT) – means a team that manages AFP Category 1 and Category 2 conduct issues and associated practices issues relevant to their area of responsibility or otherwise assigned to it, as authorised by section 13 of this Order.

Complaint management team Chair (CMT Chair) – means an AFP appointee, nominated by a Senior Executive Service (SES) Band 1 AFP employee from the CMT area of responsibility, and who, as authorised by section 40RQ of the Act, has responsibility for overseeing a CMT and ensuring Category 1 and 2 conduct issues and AFP practices issues within their area of responsibility, or as otherwise assigned, are dealt with appropriately. The CMT Chair is also responsible for determining the appropriate action to be taken pursuant to sections 40TI, 40TJ and 40TK of the Act.

Complaint recipient – any AFP appointee may receive information that raises a conduct or practices issue. For complaints involving a Category 1 conduct issue the Complaint recipient may either:

- informally attempt to resolve it pursuant to section 9 of the [National Guideline on complaint management](#)
- refer it to the area of responsibility for attempted resolution.

Complaint reviewer – means an AFP appointee, usually Executive Level or above, who has been assigned by the Commander Professional Standards to review findings and outcomes relating to Category 1 or 2 conduct issues pursuant to section 20 of the [National Guideline on complaint management](#).

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Complaints Coordination Team (CCT) - means the PRS team responsible for the administration of the Complaint Recording and Management System (CRAMS). The PRS CCT liaises with complaint management teams and provides advice to ensure the effective management of complaints within CRAMS.

Conflict of interest – means a conflicting obligation, loyalty or other improper influence to which an individual is subject to in the course of a relationship or activity. A conflict of interest refers to the conflict between public duties and private interests, or between two or more public duties or the commitment of time between fulfilling a public duty and an outside professional activity. It may involve an actual, perceived or potential conflict:

- between an AFP appointee's responsibilities in serving the public interest/official AFP duties, and the AFP appointee's private interests (a conflict of interest); or
- between an AFP appointee's legal or ethical obligations to the AFP and their legal or ethical obligations to another organisation, agency or public office/duty (a conflict of duty); or
- of a commitment of time between an AFP appointee's engagement in a non-AFP professional activity, paid or unpaid, and their ability to fulfil their obligations to the AFP (a conflict of commitment).

Conflicts of interest can arise from both avoiding personal losses and gaining personal advantage – whether financial or otherwise.

Confidant Network – means the network of AFP appointees established by the AFP National Guideline on the Confidant Network.

Corrupt conduct – has the same meaning as 'engages in corrupt conduct' as defined in section 6 of the [Law Enforcement Integrity Commissioner Act 2006](#) (Cth) (LEIC Act).

Corruption issue – has the same meaning as defined in section 7 of the [Law Enforcement Integrity Commissioner Act 2006](#) (Cth). Corruption issues are categorised in CRAMS as Category 4.

CRAMS – means the web-based IT application for the formal recording and management of complaints.

Death or serious injury associated with police contact – means deaths and serious injuries resulting from or associated with:

- the discharge of an official firearm by an AFP appointee
- any other form of force used by an AFP appointee
- custody-related police operations, which include where police are attempting to detain a person (e.g. pursuits or sieges)
- persons in the process of escaping or attempting to escape from custody

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- persons being in custody, whether in cells or otherwise, including where:
 - there is suspicion on the part of any AFP appointee
 - there is an allegation made by any person
 - the circumstances indicate that any death occurring subsequent to a period of AFP detention is because of that detention
- any other action or inaction by an AFP appointee in the course of their duties, including motor vehicle collisions.

Head of the Unit – means the position appointed as the Head of the Unit constituted under section 40RE of the Act (refer to the AFP Delegations and Authorisations Collection).

Integrity Commissioner – means the Integrity Commissioner appointed under section 175 of the LEIC Act.

Professional Standards (PRS) – means the business area responsible for managing the integrity framework of the AFP and investigating Category 3 conduct issues and corruption issues, and associated practice issues relating to conduct engaged in by AFP appointees.

Professional Standards Investigations Unit (PRSIU) – means the unit constituted in accordance with section 40RD of the Act with the responsibility for the investigation of Category 3 conduct issues and corruption issues that relate to conduct engaged in by AFP appointees.

Professional Standards Panel (PRS Panel) – means the advisory Panel which considers sanctions for Category 3 conduct and corrupt conduct issues established against an AFP appointee at or below the Senior Executive Service (SES) Band 1 level following a Part V investigation.

PRS Panel Delegate/SES Panel Delegate – means the Chair of the Panel, who, upon advice from the Panel, determines the sanctions to be applied under section 40TV of the Act in relation to established Category 3 conduct and corrupt conduct issues.

Safe Place – forms part of the People and Culture portfolio. It is 'victim focussed' and provides holistic support and advice on matters related to sexual assault, sexual harassment, bullying and harassment within or connected to the workplace.

Sanction – means an action taken under section 40TV of the Act in relation to an established Category 3 conduct or corrupt conduct matter, including but not limited to:

- termination action
- remedial action
- training and development action

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- any other action the Commissioner may take in relation to the AFP appointee including reduction in salary.

SES Panel – means the advisory Panel which considers sanctions for Category 3 conduct and corrupt conduct issues established against an AFP appointee at the AFP SES Band 2/AC/NM level following a Part V investigation.

Serious injury – types of injuries which, by their nature, are likely to:

- be life threatening
- require emergency admission to a hospital and significant medical treatment
- result in permanent impairment or long-term rehabilitation
- constitute grievous bodily harm.

Significant corruption – has the same meaning as defined in section 5 of the LEIC Act.

The Act – means the [Australian Federal Police Act 1979](#) (Cth).

The Ombudsman – means the Commonwealth Ombudsman and the Ombudsman's Office who, in accordance with section 4 of the Ombudsman Act 1976 (Cth), may also be called the Law Enforcement Ombudsman and have responsibility for the oversight of the AFP's management and administration of Part V of the AFP Act. The Ombudsman may investigate complaints about the actions of AFP appointees and about the policies, practices and procedures of the AFP as an agency.

23. References

23.1. This Order should be read with:

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Regulations 2018](#) (Cth)
- [Law Enforcement Integrity Commissioner Act 2006](#) (Cth)
- [Australian Federal Police Categories of Conduct Determination 2013](#) (Cth)
- [Delegations and Authorisations Collection](#)
- [Commissioner's Order on Governance \(CO1\)](#)
- [AFP National Guideline on complaint management](#)
- [AFP National Guideline on the Confidant Network](#)
- [AFP National Guideline on conflicts of interest](#)
- [AFP National guideline on critical incidents \(deaths and serious injuries associated with police contact\)](#)
- [AFP National Guideline on public interest disclosure.](#)
- [AFP National Guideline on work, health, safety and rehabilitation management arrangements.](#)

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24. Attachments

Attachment 1 - Table of authorisations and delegations

The following table sets out powers, functions or duties that have been authorised or delegated by the Commissioner or the Head of the Unit.

Power, function or duty	Delegate/Level	Limitations
Quality assurance of Category 3 conduct and corruption issue investigations	Executive level (higher duties or substantive) member of the Unit constituted under section 40RD of the Act	Nil
Investigate Category 3 conduct and corruption issues	AFP members or special members assigned to the Unit under section 40RF of the Act	Nil
Notify the Ombudsman about Category 3 conduct issues under section 40TM(1) of the Act	CPRS MPRS	Nil
Establish, delete or amend a CMT	Head of the Unit CPRS MPRS	Nil
Approve membership of a CMT	CPRS MPRS	Nil
CMT Chair under section 40RQ of the Act	Band 8 (higher duties or substantive) or above who is a member of the relevant CMT	Within the business area covered by the relevant CMT
CMT investigator	Band 4 or above	Within the business area covered by the relevant CMT or as authorised by the CMT Chair, a PRS Coordinator or Superintendent or the Team Leader PRS CCT.
Complaint reviewer for findings and outcomes relating to finalised Category 1 or 2	Executive level (substantive or higher duties) or as determined by the Head of the Unit or CPRS	Nil

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conduct issue investigations		
Determining that a matter is a non-complaint	Deputy Commissioner Head of the Unit COS ACPC CPRS MPRS Coordinator/Superintendent Professional Standards	Nil
Determining that a matter is 'not a complaint'	Head of the Unit COS ACPC CPRS MPRS Coordinator/Superintendent Professional Standards Team Leader PRS CCT	Nil
Approving the deletion of a complaint from CRAMS	Deputy Commissioner Head of the Unit COS ACPC CPRS MPRS Coordinator/Superintendent Professional Standards Team Leader PRS CCT	Nil
Stopping the 'clock' in CRAMS	Head of the Unit CPRS MPRS Coordinator/Superintendent Professional Standards Team Leader PRS CCT	Nil
Quality assurance of Category 1 and Category 2 conduct issue investigations	CMT quorum	Within the business area covered by the relevant CMT, or as authorised by the CMT Chair, a PRS Coordinator/Superintendent or the Team Leader PRS CCT
Quality assurance of Category 1 and Category 2 conduct issue CRAMS records	Members of PRS CCT	Nil
Ensuring CMTs resolve issues identified through quality assurance.	CMT Chair	Nil

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Receiving an Investigation Report from an investigator under section 40TU(1)(b)(i) of the Act where a matter has been allocated for investigation under section 40TN.	CPRS/MPRS	Nil
Determining the most appropriate course of action where conduct or practices issues raise AFP security issues.	Head of the Unit COS ACPC CPRS MPRS Chief Security Officer	Nil

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