



AFP National Guideline on loss of public money or property

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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
CFO	Chief Financial Officer

3. Definitions

AFP official - means, for the purposes of this guideline, an appointee as defined in the [Australian Federal Police Act 1979](#) (Cth).

Public money - is defined in the [Financial Management and Accountability Act 1997](#) (Cth).

Public property - is defined in the *Financial Management and Accountability Act 1997* (Cth).

4. Authority to create guideline

This guideline was issued by the Chief Financial Officer 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.

6. Introduction

This guideline provides guidance to officials on the process which must be followed in the event of the loss or deficit of public money or property.

7. Recording and reporting

All business areas must establish a register of losses and deficiencies of public money and/or public property and record the following details:

- value of the loss or deficiency
- any identifying details
- amount recovered
- amount deemed to be non-recoverable
- a brief description of the circumstances surrounding the loss.

All losses of, or deficiencies in public money or public property must be notified to the business area Finance Officer who must then immediately notify the Chief Financial Officer and the relevant manager, coordinator or team leader.

8. Investigation

The Chief Financial Officer (CFO), in consultation with the relevant manager, coordinator or team leader, must determine how the incidence of loss will be investigated. Depending on the circumstances and scale of loss, the CFO may decide to:

- refer the matter to Professional Standards for a formal investigation
- request the relevant manager, coordinator or team leader to undertake an inquiry into the loss or deficiency, or appoint another official
- arrange for an investigation by Financial Services
- deal with the matter personally.

The person(s) responsible for undertaking the inquiry into the loss or deficiency must ensure that natural justice is accorded to any individual(s) known to be, or suspected of being involved in the loss.

At the outset of the inquiry, the person(s) responsible for the inquiry should:

- inform the official having nominal custody of the money or property at the time of the loss that they could be liable to pay the Commonwealth an amount equal to the loss
- advise the official that if he or she believes that they took reasonable steps in all of the circumstances to prevent the loss, they should prepare a report detailing their actions so that their liability can be properly assessed during the course of the investigation.

When the inquiry is completed, the person(s) undertaking the inquiry must report their findings to the CFO and recommend a course of action. This may include recommending that the loss of public money should either:

- be pursued in full as a debt to the Commonwealth
- not be pursued on the grounds that they believe the money is not legally recoverable
- be pursued, but as a reduced amount, on the grounds that they believe that the full loss would not be legally recoverable but that a lesser amount, which is just and equitable having regard to the circumstances, could be recoverable.

The CFO must:

- confer with Manager Legal before reaching a decision on the legal ability to recover all, or part of the loss, or the writing-off of the loss, taking into account the [Financial Management and Accountability Act 1997](#) (Cth) (s. 15(1) and s. 42(1))
- complete a [Security Incident Report](#), in consultation with the relevant manager, coordinator or team leader.

9. Fraud

Any official who becomes aware of, or suspects that, a fraud has been carried out against the AFP, in respect to public money, an official bank account or public property, by:

- an official, must report the matter immediately to the Manager Professional Standards
- a person or organisation external to the AFP, must report the matter immediately to the Coordinator Financial Services.

10. Further advice

Queries about the content of this guideline should be referred to Team Leader Finance Governance and Policy GovernanceFinance@afp.gov.au

11. References

- [*Australian Federal Police Act 1979*](#) (Cth)
- [*Financial Management and Accountability Act 1997*](#) (Cth)