

**Parliamentary Joint Committee on the
National Crime Authority**

**Inquiry Into The Australian Crime
Commission Establishment Bill 2002**

**Submission No:12a
Ms Margaret Gillespie
Assistant National Secretary
Community & Public Sector Union
(PSU Group)
1st Floor
40 Brisbane Avenue
BARTON ACT 2600
☎02 6220 9666 📄02 6220 9690
E-mail:**

**Parliamentary Joint Committee on the
National Crime Authority**

Australian Crime Commission Establishment Bill 2002

-

CPSU (PSU Group) Supplementary Submission

October 2002

Australian Crime Commission Establishment Bill 2002

-

CPSU (PSU Group) Submission

Introduction

1. The CPSU has lodged a previous submission to the Committee and appeared before the Committee on 14 October. On that occasion, the CPSU was invited to make a further submission addressing the proposition that employment under the Australian Federal Police Act would provide a better integrity regime than employment under the Public Service Act. This proposition has been put by the Australian Federal Police Association.
2. The CPSU welcomes the opportunity to address this issue. In doing so, the CPSU notes the issue raised by the Chair of the Committee that as far as the AFPA submission is concerned, “the question of integrity is not really the principal purpose, but that it is really about enlarging the number of members for whom you have jurisdiction” (NCA 57).

General observations

3. The CPSU makes the following general observations with respect to the issues raised.
4. Whilst the issue of complaint handling appears to have been a matter of concern for at least some members of the Committee for some time, it has been raised fairly late in the day with respect to the consideration of the ACC legislation. If it is going to be the basis of changes to the proposed Bill, it requires far more consideration and discussion than has occurred to date, whatever those changes might be.
5. Further, all the discussions, consultations and negotiations to date, and the consensus reached on the Bill with respect to many stakeholders, has been predicated on, or at least has proceeded on, the position that employment would be pursuant to the Public Service Act. To depart from that position at this late stage is not a course of action that should find ready approval from the Committee.

6. Many of the submissions made to the Committee are critical of the proposed organisational structure, particularly with respect to what is perceived to be the placing of coercive powers in the hands of police. To adopt the terminology of Mr Kerr of the Committee, the "optics" of employment under the Federal Police Act will only fuel that perception.
7. If the Committee believes it is necessary to address integrity issues, there are many more options than a straight choice between employment under two different Acts.
8. CPSU members currently employed in the NCA support the new organisation but feel deeply and strongly about the issue of the employment regime, and believe that they should remain employed under the Public Service Act. They would reject unequivocally the establishment of the ACC with employment under the AFP Act. The Committee should not dismiss lightly the views of the staff upon whom the success of the new organisation depends.
9. No evidence has been put to the Committee to suggest that the integrity regime that has operated with respect to the NCA has been deficient, or in any way has failed to address issues related to accountability or integrity.
10. The regime put in place by the Public Service Act was enacted only 3 years ago, and was the subject of much debate. It was intended to ensure that the Australian Public Service was an organisation with the highest ethical and moral practices. It applies to a broad range of persons and professions engaged by the Commonwealth to carry out the whole gamut of public service functions. These include lawyers, prosecutors, Court registrars, protective service officers, tax investigators, quarantine inspectors and custom officers. They also include persons who access sensitive personal information dealing with health and social security, as well as to the public interface of the service with the public.
11. Any suggestion by this Committee that there is anything less than the highest level of integrity practiced by these persons is not only highly critical of all public servants, but is fairly damning of the legislation put forward by the Government and enacted by the Parliament only a short time ago.

Integrity and accountability in the two regimes

12. There are two aspects involved, namely internal mechanisms and external mechanisms. Both will be examined by the CPSU.

13. In their oral evidence to the Committee the AFPA has submitted that the current Bill “lowers the integrity bar to the lowest common denominator” (NCA 56). They fail however to substantiate how that is the case. It is asserted and then largely accepted as a given.
14. An examination of the processes established to ensure integrity and accountability reveals that the current regime applying in the APS and to the NCA is at least as good as that applying to the AFP.

APS and NCA

15. With respect to internal mechanisms, s.10 of the Public Service Act enshrines fifteen core Values (attachment 1). These include:
 - that the APS is apolitical;
 - that the APS has the highest ethical standards;
 - that the APS is openly accountable for its actions;
 - that the APS delivers its services fairly, effectively, impartially and courteously.
16. All Agency heads are legally obliged to uphold and promote the Values (s.12). They must also, and have been, the subject of Directions by the Public Service Commissioner (s.11) (attachment 2). All public servants are legally charged to comply with those Directions (s.42).
17. Section 2.1 of the Directions establishes that their purpose is to:
 - ensure that all public servants understand their responsibilities in relation to the values; and
 - set out the minimum requirements that must be met in upholding the Values.
18. They function therefore as a legally enforceable set of minimum standards for the conduct of Public Servants.
19. Section 13 of the Act the establishes the Code of Conduct (attachment 3). This further enshrines the Values, as sub-section 10 states that an APS employee must at all times uphold the Values, as well as the integrity and good reputation of the APS. Other requirements imposed by the Code on employees include that they:

- behave honestly and with integrity in the course of their employment;
- act with due care and diligence in their employment;
- respect confidentiality;
- disclose conflicts of interest and take steps to avoid conflicts arising;
- not make improper use of information;
- use Commonwealth property in an appropriate manner;
- uphold the good reputation of the APS; and
- treat everyone with courtesy and respect.

20. Procedures must be put in place to determine whether employees have breached the Code of Conduct (s.15(3)). Pursuant to Directions of the Public Service Commissioner these procedures must comply with procedural fairness, but enable the matter to be dealt with as expeditiously as possible.
21. Penalties for a breach of the Code of Conduct range from a reprimand to termination of employment.
22. The procedures are concerned with investigating suspected breaches of the Code. There is no requirement as to where or how the suspicion arises. Suspected breaches, however raised, are the subject of the procedures, and can result in the sanctions referred to.
23. There is also a strong imperative on employees to report suspected breaches resulting from the Value as to ethical standards, and the requirement to implement procedures to encourage whistleblowing and protect those that do (see s.16 the Act and Div 2.2 the Regulations).
24. A person suspected of breaching the Code can be suspended with or without pay whilst an investigation proceeds if it is considered in the best interests of the APS that this occur (s.28).
25. There are internal review mechanisms put in place, as well as review by the Public Service Commissioner as well as by the Ombudsman.
26. Other legislation can also be relevant. For example, it is an offence under s.70 of the *Crimes Act 1914* for a public servant to communicate information obtained in the course of employment.
27. External review of the actions of public servants generally is ultimately through the Ombudsman. The Ombudsman is able to investigate complaints about the actions of Commonwealth agencies and

Departments, including on the grounds that the action is unfair or unreasonable. The Ombudsman can compel the production of documents, and require questions to be answered under oath.

28. It is noted that public service agencies also have internal complaint handling procedures. The Ombudsman in the first instance may refer a complainant to those procedures. The Ombudsman may also transfer a complaint to another body of the Ombudsman believes it can more properly be dealt with by that body (see generally s.6A).
29. With respect to the NCA, the Committee would be aware of recent amendments to the NCA Act which give the Ombudsman enhanced responsibility with respect to NCA staff. These include the right to investigate complaints about individual employees as well as the actions of the NCA itself. A copy of the PJC explanatory material on the amendments is at attachment 4. The CPSU notes the material acknowledges that the amendments were modelled on the Ombudsman's role with respect to the AFP.

The AFP

30. The regime with respect to AFP personnel is remarkably similar.
31. The conduct expected of AFP employees is set out in Part 2 of the *Australian Federal Police (Discipline) Regulations 1979*. (attachment 5) They include the requirements that an AFP employee must:
 - behave with courtesy to the public;
 - not knowingly make false or misleading statements;
 - properly account for property in their control;
 - not improperly use or disclose information
 - not use their position to obtain personal advantage;
 - not take or use without permission the property of the Commonwealth;
 - not act in a manner prejudicial to the good order of the AFP, or act in a manner which would bring the AFP into disrepute.
32. Personnel must also have regard to any official guidelines applying to the performance of his or her duty.

33. These guidelines presumably include the AFP Professional Standards – Code of Conduct (attachment 6). These establish Core Values of integrity, commitment, excellence, accountability, fairness and trust. The guidelines further describe acceptable practice with respect to matters including:

- conflict of interest;
- use of AFP resources;
- limitations of authority; and
- public comment.

34. They also restate the responsibilities of AFP personnel, and reflect those set out in Part 2.

(Note – if the CPSU is wrong and these are not relevant guidelines, then the AFP regime is severely lacking in comparison to the APS, not just legally but in substance).

35. Failure to comply with Part 2 constitutes a disciplinary offence (Reg 29). Where the Commissioner believes a disciplinary offence may have been committed, proceedings can be instituted to determine whether the offence has been committed and the sanction to be imposed (Reg 31).

36. The process to be followed with respect to the proceeding is proscribed in the Regulations. Sanctions can range from a caution to termination of employment (Reg 36).

37. External review of AFP actions is again through the Ombudsman in accordance with the *Complaints (Australian Federal Police) Act 1991*. Much of this Act to the extent that it deals with the Ombudsman is in the same or similar form as the *Ombudsman Act 1976*.

38. The Act also establishes an internal Investigation Division of the AFP which can also deal with complaints, either directly or on referral from the Ombudsman. In certain circumstances, the Ombudsman must be kept informed of the IAD investigation.

Summary

39. In summary, the position as between the two regimes is as follows:

- (i) Both regimes have legislation which establishes conduct suitable for employees which is subject to sanctions.
 - (ii) The APS Act however contains a far more detailed set of Values and Conduct than the reciprocal AFP legislation, the AFP relying to a far greater degree on guidelines. This is a weakness in the AFP regime compared to the APS regime.
 - (iii) Conversely, the AFP Regulations are more proscriptive with respect to the process for handling internal complaints than the APS, the APS relying on procedures established by agencies. Those guidelines however must comply with legally enforceable Public Service Commissioner minimum standards.
 - (iv) Sanctions are broadly the same.
 - (v) Both the AFP and the APS are subject to Ombudsman investigations with respect to external complaints. Whilst the AFP relies more heavily on the Complaints Act, as opposed to the APS which relies on the Ombudsman Act, the powers and obligations of the Ombudsman with respect to external complaints is essentially the same.
 - (vi) When the recent amendments to the NCA Act are taken into account, there is no apparent difference between the investigation of NCA staff and AFP staff by the Ombudsman.
40. With respect to the efficacy of these regimes, the CPSU notes that they will only ever be as potent as the persons charged with enforcing them. In that regard, the CPSU draws to the attention of the Committee the following:

A seconded police officer and an NCA employee were both found by an internal NCA investigation to have breached the applicable standards of conduct and were both found equally culpable and at fault. The subject matter of the breach was improper handling of pornographic material. The NCA officer was reprimanded and severely penalised financially. The police officer returned to his home force where no further action was taken.

NCA staff are able to provide further information.

41. Finally, Mr Kerr of the Committee referred to the evidence of Mr O’Gorman as supportive of the AFPA position. Mr O’Gorman was particularly concerned with external review. In that regard, it is clear that there is almost no difference between the two regimes as far as external review is concerned, and whilst Mr O’Gorman was supportive of a higher level of external oversight, his evidence does not support the proposition that employment under the AFP Act is preferred.

Conclusion

43. The CPSU concludes that there is simply no basis for the allegation that employment under the APS Act is an inferior form of engagement with respect to integrity. The comparison above clearly identifies that the short term fix put forward by the AFPA is nothing of the sort, and it stands revealed for what it really is.
44. If anything more than APS Act employment is necessary, the recent amendments with respect to the Ombudsman that apply to the NCA can apply to the ACC. The CPSU would support that outcome.
45. As such, given the general observations drawn to the attention of the Committee at the start of this submission, and taking into account all the evidence received, the CPSU submits it would be extremely damaging to back away from the employment regime currently contained in the Bill.

CPSU

17 October 2002

ATTACHMENTS TO THE SUBMISSION BY THE CPSU

ATTACHMENT 1

- **Public Service Act 1999 Section 10: APS values**

ATTACHMENT 2

- **Public Service Commissioner's Directions 1999 "Chapter 2: APS Values".**

ATTACHMENT 3

- **Public Service Act 1999 Section 13 : The APS Code of Conduct**

ATTACHMENT 4

- **See submission**

ATTACHMENT 5

- **Australian Federal Police (Discipline) Regulations, Part 2**

ATTACHMENT 6

- **See submission.**

Attachment 4

PJC Issues re ACC & Public Service Act

NCA oversight issues

Amendments to the NCA Act 2001

Below is some explanatory material of the relevant amendments to the NCA Act 2001 in relation to oversight of the NCA by the Ombudsman. Essentially, members of the public can approach the Commonwealth Ombudsman to make complaint about the activities or running of the NCA. Similarly, the NCA can refer matters to the Ombudsman that it has received. The Ombudsman has fairly strong powers to be proactive in taking on matters for investigation.

These issues were thrashed out in a great deal of detail by the PJC and the parliament. They were properly considered only 12 months ago. The model of the AFP ombudsman was considered in that context.

As from 12 October 2001 complaints against the NCA may be investigated by the Commonwealth Ombudsman. One of the functions of the Commonwealth Ombudsman is to investigate 'action' taken by a Department or agency (paragraph 5(1)(a) of the *Ombudsman Act 1976*). The Ombudsman may investigate action as result of a complaint or at his own initiative. The term 'action' includes making a decision, making a recommendation or formulating a proposal and failing or refusing to do any of those things (subsection 3(7) of the *Ombudsman Act*).

A complaint may be made by any person about the conduct or actions of any member of the staff of the NCA, including Members and seconded officers. Also, complaints may be made about the NCA generally. Examples of the latter may be complaints asking why the NCA is investigating (or not investigating) a particular person or criminal activity, or about the NCA disclosing (or not disclosing) particular information.

Commonwealth Ombudsman Oversight of the NCA

The Ombudsman may receive complaints from individuals, their representatives or organisations about administrative actions of agencies. In some cases, statutory discretions may be exercised not to investigate, including among other complaints over 12 months old, frivolous or vexatious complaints, issues subject to court proceedings or matters where the complainant has raised, or could raise, the issue directly with the agency concerned.

The Ombudsman has strong powers to investigate complaints, including the ability to enter government premises, obtain documents and information from any person and require the attendance of any person to be examined on oath or affirmation.

Investigations focus on whether the administrative actions or decisions of agencies are defective because they are:

- Contrary to law;
- Unreasonable, unjust or oppressive;
- Based on a law that is itself unreasonable or unjust;
- Improperly discriminatory;
- Based on a mistake about the law or the facts;
- Based on irrelevant factors or have failed to take account of relevant factors;
- Wrong in all the circumstances of a case.

Many complaints are found to be unsubstantiated or are resolved during investigation by negotiation with the agency concerned. Where defective administration is identified, there may be some remedy for the complainant such as an explanation, apology, change of decision or payment of compensation.

Where a complaint has been investigated by the NCA but the complainant is not satisfied with the result, he or she may complain to the Ombudsman.

Under the *Ombudsman Act 1976* (Cth), the Ombudsman has wide-ranging powers of investigation, such as the power to require a person to provide information or documents and the power to examine a witness.

Members of staff of the NCA should cooperate fully in any investigation by the Ombudsman's office and, subject to confidentiality requirements of any investigation, must keep their managers informed of any involvement in an Ombudsman investigation.

There is an office of the Commonwealth Ombudsman in each State and Territory. Complaints against the NCA are handled in the first instance by the Ombudsman's Office in Canberra.

The Ombudsman has power to enter into arrangements with other bodies for the investigation of complaints and may transfer a complaint to another Commonwealth, State or Territory statutory body for investigation. This is more likely to occur where a complaint is against the actions of an officer seconded to the NCA.

Where the investigation reveals problems, the Ombudsman will report in writing to the principal officer of the agency, including details of the investigation and recommendations for action. Subject to allowing the agency or individuals who are criticised to comment, and to negotiate a resolution, the Ombudsman may also report to the relevant minister and ultimately the Prime Minister and Parliament. If the Ombudsman considers it is in the public interest to do so, he or she may also release reports publicly. Such reporting is infrequent.

The Ombudsman has an overall role in improving the quality of administration by agencies. Consequently, outcomes to investigations of complaints and "own

motion" inquires into complex or systemic issues often include recommendations by the Ombudsman for improving practices and procedures, such as planning, program delivery, client service and staff training. The Ombudsman also assists agencies to establish, operate and evaluate internal complaint and review systems.

The New Ombudsman Oversight Functions of the NCA

The Ombudsman will have two roles in respect to the Authority arising from recent amendments in addition to its current role of inspecting the records of telephone interceptions by the NCA under the *Telecommunications (Interception) Act 1979*.

1. Under the *Measures to Combat Serious and Organised Crime Act*, the Ombudsman must brief the PJC at least once a year about the NCA's involvement in controlled operations during the preceding 12 months. The briefing must be in private. In addition, under the *Measures Act*, the Chairman of the Authority must provide certain information to the Ombudsman, such as copies of reports to the Minister, such further information that the Ombudsman requires, and the Ombudsman must inspect NCA records on controlled operations at least once every twelve months. The Ombudsman must prepare annual reports on those matters and there are protections against the disclosure of operational information or sensitive information;
2. Under the *National Crime Authority Legislation Amendment Act 2001* the Ombudsman has power to investigate complaints against the NCA. There are amendments to both the *NCA Act* and the *Ombudsman Act 1976* to facilitate that. The powers are similar to the Ombudsman powers in respect to other government agencies. However, in the case of the NCA, there is also a mechanism to protect operationally sensitive information, and for providing scope for complaints to be investigated by appropriate State or Territory authorities- this would be especially relevant to seconded police officers.

NCA Processes

The NCA has memorandum of understanding (MOUs) with all the police forces in relation to the secondment of their officers to the NCA. In relation to conduct, complaints, investigation and disciplinary matters while on secondment, all such officers are subject to both the regimes of the NCA and the Public Service Act and the disciplinary and internal investigations provisions of their home force. This provides a double check on the integrity and conduct of such seconded staff.

The NCA has rigorous policies and procedures for applying the provisions in relation to the oversight of the Commonwealth Ombudsman. These processes are working in practice.

Attachment 6

AFP PROFESSIONAL STANDARDS - CODE OF CONDUCT (from the AFP IntraWeb)

(<http://act1.na.afp.gov.au/empfw/guide/profstds.shtm#AFP%20Values%20&%20Code%20of%20Co%20duct>)

(NB: This document was developed in 1996 and is to be reviewed)

[\[Commissioner's Foreword\]](#) [\[Introduction\]](#) [\[AFP Values\]](#) [\[Responsibilities of AFP Management\]](#)
[\[Responsibilities of AFP Personnel\]](#) [\[Equity and Diversity\]](#) [\[Professional Reporting\]](#) [\[Conflict of Interest In Our Official Duties\]](#) [\[Conflict of Interest - Secondary Employment\]](#) [\[Conflict of Interest - Gifts and Other Benefits\]](#) [\[Conflict of Interest - Sponsorship and Fundraising\]](#) [\[Limitations of Authority\]](#) [\[Use of AFP Resources\]](#) [\[Confidential and Official Information\]](#) [\[Public Comment\]](#) [\[Media Liaison\]](#) [\[Private Speaking Engagements\]](#) [\[Alcohol and Drug Use\]](#) [\[Private Conduct\]](#) [\[Accountability\]](#)

FOREWORD BY THE COMMISSIONER

The integrity of the AFP depends on each and every one of us, and as members of the AFP we have developed a well earned reputation of which we can be rightly proud. However, the trust of the community is paramount if we are to maintain our credibility and reputation with our key stakeholders. As such, our actions must be imbued at all times with the values and ethics for which the AFP stands.

These guidelines have been designed to help us understand the extent of our obligations and responsibilities to our stakeholders and, importantly, to each other. They have been published and disseminated as a demonstration of our commitment to professional standards and also to ensure our stakeholders are properly informed as to how they can expect members of the AFP to act.

I commend these guidelines to you.

INTRODUCTION

All Australian Federal Police endeavours are underpinned by values which foster a shared professional ethos across the organisation. The professional ethos within the AFP is created by the pride of its people and their commitment to, and ownership of, these values and standards.

The Australian Federal Police mission is:

To provide dynamic and effective law enforcement to the people of Australia.

AFP VALUES

The Australian Federal Police core values of integrity, commitment, excellence, accountability, fairness and trust underpin and permeate every project, task or endeavour of the AFP. It is the responsibility of all of us as AFP personnel to uphold these values.

Integrity

Integrity is a quality that underpins an individual's soundness of moral principles. It is manifested in their uprightness, honesty, sincerity in their approach to themselves, others and to their work.

Commitment

Commitment is characterised by dedication, application, perseverance and a belief in a personal capacity to achieve and add value.

Excellence

Excellence at work involves adopting approaches that seek constant improvement in all tasks and in the quality of the services provided.

Accountability

Accountability is about ownership of work or results and being answerable for outcomes.

Fairness

Fairness is a value that accommodates the characteristics of impartiality and equitableness.

Trust

Trust is a value that involves having faith and confidence, and being able to rely and depend on others.

RESPONSIBILITIES OF AFP MANAGEMENT

To live the AFP's values and instill them in others through:

- setting exemplary professional standards in the workplace
- ensuring personnel are informed of their obligations under AFP professional standards
- dealing constructively, quickly and effectively with corruption, serious misconduct, unethical behaviour and interpersonal conflict
- improving our knowledge and understanding of personnel for whom we are responsible and accountable
- acknowledging and rewarding individual and team achievements
- fostering a learning ethic by offering developmental opportunities
- understanding equity and diversity issues, modeling appropriate behaviour and providing leadership in this regard
- maintaining appropriate flexibility ensuring an environment in which individuals are valued and trusted to achieve organisational outcomes

RESPONSIBILITIES OF AFP PERSONNEL

It is the responsibility of all of us, as AFP personnel to:

- exercise our official powers in accordance with AFP values
- apply our knowledge and skills to every challenge in a reasonable, constructive and honest manner
- act honestly, reasonably and in good faith in exercising the powers and provisions of any Acts, Regulations, Determinations or Awards that relate to the performance of our duties
- comply with any lawful and reasonable direction given by a person having authority to give that direction
- have regard to any official guidelines, instructions, policies or recommendations that relate to the performance of our duties
- treat our colleagues, clients and members of the public with courtesy and sensitivity to their rights, duties and aspirations
- behave at all times in a manner that maintains or enhances the reputation of the AFP
- use Commonwealth resources efficiently and economically
- report corruption

EQUITY AND DIVERSITY

The AFP Equity and Diversity Program operates to ensure that the core values of the AFP guide all our policies and practices in managing people.

Equity and diversity also covers the prohibition of patronage, favouritism and discrimination. In all matters when dealing with members of the public, our clients and colleagues, we will act fairly, impartially and without favouritism, bias or discrimination on the basis of ethnic or cultural background, sex, religion, age, political affiliation, physical or intellectual impairment, marital status, pregnancy or family responsibilities.

We have a responsibility to understand equity and diversity principles, to act in accordance with these principles and not to discriminate against, or harass, colleagues or members of the public. [See AFP Workplace Harassment Policy]

We value diversity in the workplace and in the wider community. We recognise and uphold the right of all people to be treated with respect and dignity and embrace the contribution that individual differences bring to our society.

PROFESSIONAL REPORTING

We have an obligation to report activities or conduct in the workplace that is contrary to the stated core values of the AFP.

The AFP Professional Reporting Guidelines cover all matters that may concern personnel and reflect upon the professionalism of the AFP, including criminal and disciplinary offences and other legislative obligations such as Occupational Health and Safety and Equal Employment Opportunities.

The integrity of the AFP is wholly dependent upon the personal integrity of its membership and nothing will damage our reputation more than failure to identify and properly address inappropriate behaviour by AFP personnel at any level.

We all have a responsibility to maintain and foster an environment where we are confident that when we come forward with information we are welcomed as participating in the practice of professional behaviour and will receive support. Managers have a critical role in ensuring that appropriate, timely support, in consultation with the professional reporter, is undertaken.

The AFP Professional Reporting Guidelines detail support processes available to all AFP personnel who report the activity or conduct of others that is contrary to the stated core values of the AFP.

CONFLICT OF INTEREST

We must take care to ensure that in all that we do, both in our professional and personal endeavours, we remain alert to any activity that may carry with it the potential for corrupt conduct or conflict of interest or give rise to a public perception of corruption or conflict of interest.

We must ensure that our private interests, beliefs or associations do not affect our ability to remain impartial when carrying out our official duties.

In Our Official Duties

In the event of a conflict of interest arising we acknowledge the requirement to disclose to the Commissioner or the Commissioner's delegate, any direct or indirect, personal interest or association with any person or association, corporation or activity involved in or related to a matter, which we encounter in the course of carrying out our official duties.

We are expected to be alert to any actual or potential conflict of interest and, where possible, take steps to avoid such conflict. Where we judge this is not possible and we must act in a given situation, we must carry out our duties fairly and impartially.

In Secondary Employment

We must obtain the written approval of the Commissioner or the Commissioner's delegate prior to engaging in secondary employment as outlined in the AFP National Policy on Secondary Employment. The National Policy on Secondary Employment is designed to protect the individual and the AFP from integrity, inefficiency and conflict of interest issues arising out of AFP personnel engaging in secondary employment.

We must not allow our secondary employment commitments to affect the efficient performance of our AFP duties. The AFP is our primary employer and AFP duties take precedence at all times.

Gifts and Other Benefits

We are not permitted to directly or indirectly solicit or accept a gift or gratuity from a person concerned directly or indirectly with any matter in which the AFP or we, in the performance of our duties, are concerned. It is vitally important that:

- the impartial performance of the AFP's duties not be influenced in any way; and
- the acceptance of a gift or benefit could not lead to a perception that any person or body is securing or attempting to secure the influence or favour of the AFP or any of its officers.

Appropriate gifts or benefits may be accepted from a client or partner agency provided they are of token value (plaques, lunches offered to us as part of a working group, books related to our work etc). We are not

permitted to accept gifts, benefits, travel or hospitality that is individually targeted and not available to colleagues or associates who share a common task or purpose.

When accepting gifts or benefits we must comply with AFP Declaration of Financial Interest requirements.

If we have any concerns over an offer of a gift or benefit made by an individual or an organisation we must disclose the details to our team leader.

Sponsorship and Fundraising

We are expected to ensure that we do not receive or provide inappropriate forms of assistance for any sporting or fundraising event. Where AFP assistance at a sporting or fundraising event might contribute towards the AFP's government endorsed objectives, approval for this assistance must be sought in advance from the COO.

LIMITATIONS OF AUTHORITY

We must carry out our powers and duties faithfully and diligently and without fear, favour, affection or ill will and according to the law. We must not intentionally, recklessly or negligently act beyond our lawful powers or beyond lawful action provided by our AFP employment. Whatever our role, when using our discretion to determine any action, we must apply the principles of reasonableness.

We are not permitted to use our official position or authority to harass, compromise or deny the rights of another individual or group of people.

USE OF AFP RESOURCES

We are expected to use the AFP's money, property, goods, services or credit cards economically and for officially approved purposes only. We are expected to know what our delegations are and exercise them with impartiality and care.

CONFIDENTIAL AND OFFICIAL INFORMATION

We recognise that the AFP is entrusted to hold and protect sensitive information affecting members of the national and international communities and all areas of the Government process. We will ensure that information entrusted to the AFP is protected from unauthorised access or release and given the proper protection it requires including in respect of personal privacy provisions.

Unless we have express authority from the Commissioner or the Commissioner's delegate, we will not access, use or disclose official information other than as part of our official duties.

PUBLIC COMMENT

We are not permitted to make comment on official matters relating to the AFP unless we are authorised to do so. We must take care to ensure that any comment we make in a private capacity is not presented or interpreted as official comment.

Media Liaison

Positive media coverage of AFP activities is essential to public understanding of our work and functions. The AFP National Policy on Media Issues recognises that public interest must be balanced against significant operational constraints, national security, privacy principles and sub-judice laws. The AFP has specialised media and public relations resources in Head Office and nominated Public Affairs Officers in each Region who adhere to the principles contained within the policy.

In the interests of AFP effectiveness and security and for the protection of the wider community, we must not provide information to the media about ongoing operations, operational strategies and tactics, Interpol involvement in investigations, allegations involving prominent people, protective security and national security.

Private Speaking Engagements

Speaking engagements with professional educational and community groups relating to AFP activities may be accepted provided approval has been obtained from the Commissioner or the Commissioner's delegate and as considered necessary referring requests through relevant Public Affairs Officers. Any benefits received from the engagement (other than from approved secondary employment) must be paid into an appropriate AFP account.

ALCOHOL AND DRUG USE

We recognise the use of illicit drugs as an illegal act entirely incompatible with the ethical standards expected of law enforcement personnel.

The National Guideline on the Use of Prohibited Drugs calls for the absolute prohibition on the use of illicit drugs by AFP personnel and recognises the serious effect of drugs on modern day society and the importance of law enforcement personnel being committed to the highest standards of professional integrity and professionalism.

We are expected to use pharmaceutical products in accordance with normal therapeutic recommendations.

We must ensure that we do not put ourselves in a position where we are unable to carry out our duties efficiently, diligently, rationally and effectively because of alcohol or other drug misuse. We must also ensure that the health and safety of our colleagues and of members of the community is not jeopardised because of such misuse.

Serious drug or alcohol misuse problems can become a disciplinary matter or lead to an assessment of continued suitability for employment with the AFP.

PRIVATE CONDUCT

We all have private lives to lead outside the AFP and many of us participate actively in community or public activities. By actively modeling the AFP's core values outside of work hours we can positively enhance our image and the AFP's image. We must be mindful of our obligation to act and be seen to act, by the public and our peers, in accordance with the spirit and letter of the law including the terms of the AFP professional standards, whether on or off duty.

ACCOUNTABILITY

We will be fully accountable for our conduct in accordance with the AFP professional standards.
