

Freedom of Information Request Document Notes LEX 1161
(Finalised Established Category 4 breaches (corruption issues) from
the 2021/22 Annual Report)

Report Notes

As per Freedom of Information request (reference number LEX 1161), the below tables expand on data provided in **Table A4 Finalised conduct breaches by category and finding, 2021-22** from **Appendix A** of the **2021-22 AFP Annual Report, page 136**. Data was exported on 1 July 2022.

Finalised breaches may belong to complaints submitted to AFP Professional Standards prior to 1 July 2021.

Conduct breaches are individual issues identified within a complaint. Multiple breaches may be applied when two or more complaint issues are identified from information supplied by a complainant or when two or more appointees are subject to a complaint

Rank of the employee: The AFP does not capture the rank of the appointee subject to a complaint. What is captured is the band level the appointee was at the time of the alleged incident. If an appointee was on HDA on the date of the incident that is what will be reflected in information captured.

The 11 finalised established category 4 (corruption issues) breaches consisted of four (4) complaints and involved six (6) appointees

Table 1: Finalised established category 4 breaches (corruption issues) by sworn status and band level grouping 2021/2022 Financial Year

Finalised established breaches	
Police	4
Band 1 -5	4
PSO	7
Band 1 -5	3
Band 6 - 8	2
Executive	2
Grand Total	11

Table 2: Finalised established category 4 breaches (corruption issues) by sworn status, band level grouping and incident description 2021/2022 Financial Year

	Finalised established breaches
Police	4
Band 1 -5	4
Abuse of Office	3
Information Misuse	1
PSO	7
Band 1 -5	3
Fraud (including Commonwealth)	1
Information Release	1
Misuse of Credit Card	1
Band 6 - 8	2
Abuse of Office	1
Fraud (including Commonwealth)	1
Executive	2
Abuse of Office	1
Fraud (including Commonwealth)	1
Grand Total	11

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Pages 3 through 192 redacted for the following reasons:

s37(1)(a)

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**Professional Standards
Finding of Fact
Investigation Report**

PROMIS PRS:	97727	CRAMS:	10445
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Appointee Name:	s47E(c)	AFP Number:	s 47E(c)
Title / Rank:	Leading Senior Constable	Band Level:	5.3
Work Area:	s 47E(c)		
Career Synopsis:	s47E(c)		

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Conduct Issues:	Finding:
<p>1</p> <p>s47E(c)</p> <p>s 47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none"> Section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP. <p>If any of the above breaches are established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
<p>2</p> <p>s 47E(c)</p>	<p>Not Established</p> <p>Category 3</p>

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<p>3</p>	<p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP. <p>If the above breach is established the conduct could constitute Category 3 conduct.</p> <p>s 47E(c)</p>	<p>Established</p> <p>Category 3</p>
<p>4</p>	<p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; and/or <p>If the above breach is established the conduct could constitute a corruption issue.</p>	<p>Established</p> <p>Corruption Issue</p>
<p>5</p>	<p>s 47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties;	<p>Established</p> <p>Category 3</p>

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	<p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	
<p align="center">6</p>	<p align="center">s 47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none"> Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	<p align="center">Established</p> <p align="center">Category 3</p>
<p align="center">7</p>	<p align="center">s 47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <p>Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; and/or</p> <p>If any of the above breaches are established the conduct could constitute Category 3 conduct.</p>	<p align="center">Established</p> <p align="center">Category 3</p>
<p align="center">8</p>	<p align="center">s 47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none"> Section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP. <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	<p align="center">Established</p> <p align="center">Category 3</p>

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9	<p>s 47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">• Section 8.5 of the AFP Code of Conduct, namely, an AFP appointee must comply with all Australian laws. For this purpose, Australian law means any:<ul style="list-style-type: none">○ Act, or any instrument made under an Act○ law of a state or territory, including any instrument made under such a law. <p>If any of the above breach is established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
10	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">• Section 8.6 of the AFP Code of Conduct, namely, an AFP appointee must comply with any lawful direction given by a person, or for any other improper purpose. <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
11	<p>s 47E(c)</p> <p>If any of the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">• Section 8.4 of the AFP Code of Conduct in that an AFP appointee must act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties; and/or <p>If any of the above breaches are established the conduct could constitute Category 2 conduct.</p>	<p>40TF(2)k</p> <p>Category 2</p>

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	s 47E(c)	
12	<p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">• Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; <p>If the above breach is established the conduct could constitute Category 2 conduct.</p>	<p>Not Established</p> <p>Category 2</p>

1. Complaint Background

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s 47E(c)

2. Conduct Issue 1

2.1 Findings of Fact

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¹ Annexure A – s47E(c)

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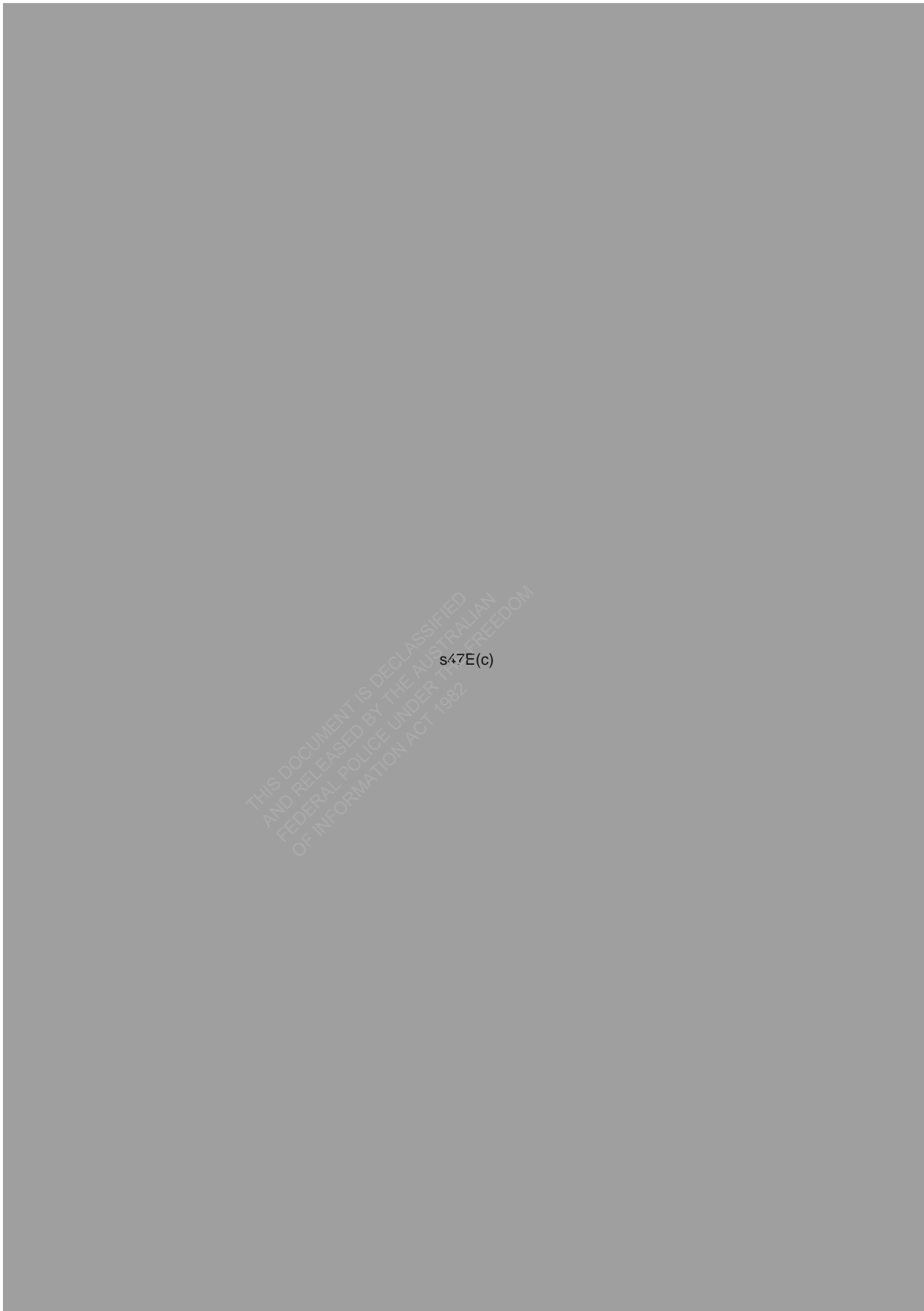
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² Annexure B –

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³ Annexure C -

⁴ Annexure - D

⁵ Annexure E -

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2.25 Findings on AFP Code of Conduct

2.26 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.11 which provides:

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

2.27 The AFP is a values driven organisation requiring all AFP appointees, irrespective of their position, rank or status, to exhibit behaviours that reflect the core values at all times. These core values operate to ensure the organisation maintains the highest standards in all facets of its operations and to maintain the significant trust and confidence the community and the parliament has in the AFP.

2.28 The actions of LSC s47E(c) do not demonstrate the level of integrity or honesty expected of a member of the AFP and his actions have the ability to tarnish the good reputation of the AFP s 47E(c) agencies work health and safety insurer.

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8.11 of the AFP Code of Conduct.

2.31 Findings on Categorisation

2.32 The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.

2.33 Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:

"intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee's official capacity or otherwise, and/or could reasonably raise a question of

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employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence.”

2.34 Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:

(1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:

(a) conduct of that kind:

(i) is serious misconduct by an AFP appointee; or

(ii) raises the question whether termination action should be taken in relation to an AFP appointee; or

(iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and

(b) conduct of that kind does not raise a corruption issue.

(2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).

2.35 With regard to conduct issue one (1), I am satisfied that, on the balance of probabilities, the conduct does constitute serious misconduct as the actions were intentional and deliberate and demonstrated wilful indifference to the AFP Code of Conduct, because:

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s47E(c)

Conclusion

2.36 I am satisfied that LSC s47E(c) conduct amounts to a breach of section 8.11 of the AFP Code of Conduct.

2.37 I am also satisfied that LSC s47E(c) conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.

2.38 I conclude that, on the balance of probabilities LSC s 47E(c) did seriously breach section 8.11 of the AFP Code of Conduct. It is recommended Conduct Issue one (1) be **ESTABLISHED** as a Category 3 complaint.

3. Conduct Issue 2

3.1 Findings of fact

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s47E(c)

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⁶ Annexure H

⁷ Annexure I

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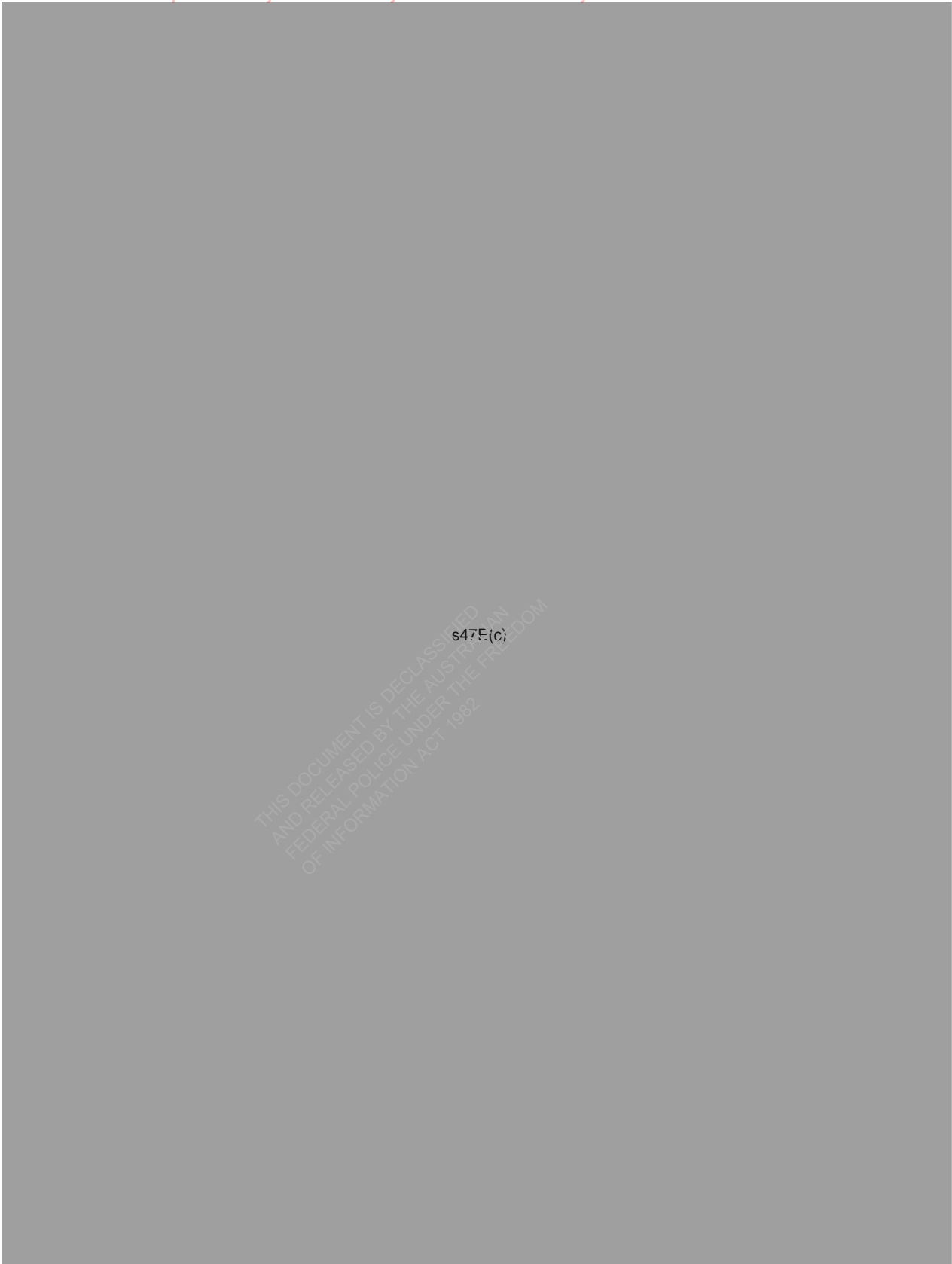
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⁸ Annexure J –

⁹ Annexure K

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3.16 **Findings on AFP Code of Conduct**

3.17 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.11 which provides:

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

3.18 The allegation against LSC s47E(c) concerns as to whether s47E(c) conduct amounts to a breach of section 8.11 of the AFP Code of Conduct.

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s47E(c)

3.20 As such, on the balance of probabilities, LSC s47E(c) conduct **does not** amount to a breach of section 8.11 of the AFP Code of Conduct.

3.21 **Findings on Categorisation**

3.22 There are no findings associated to this categorisation as this allegation is not established.

3.23 **Conclusion**

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3.25 PRS finds that Conduct Issue Two (2) is **NOT ESTABLISHED**.

4. Conduct Issue 3

4.1 **Findings of fact**

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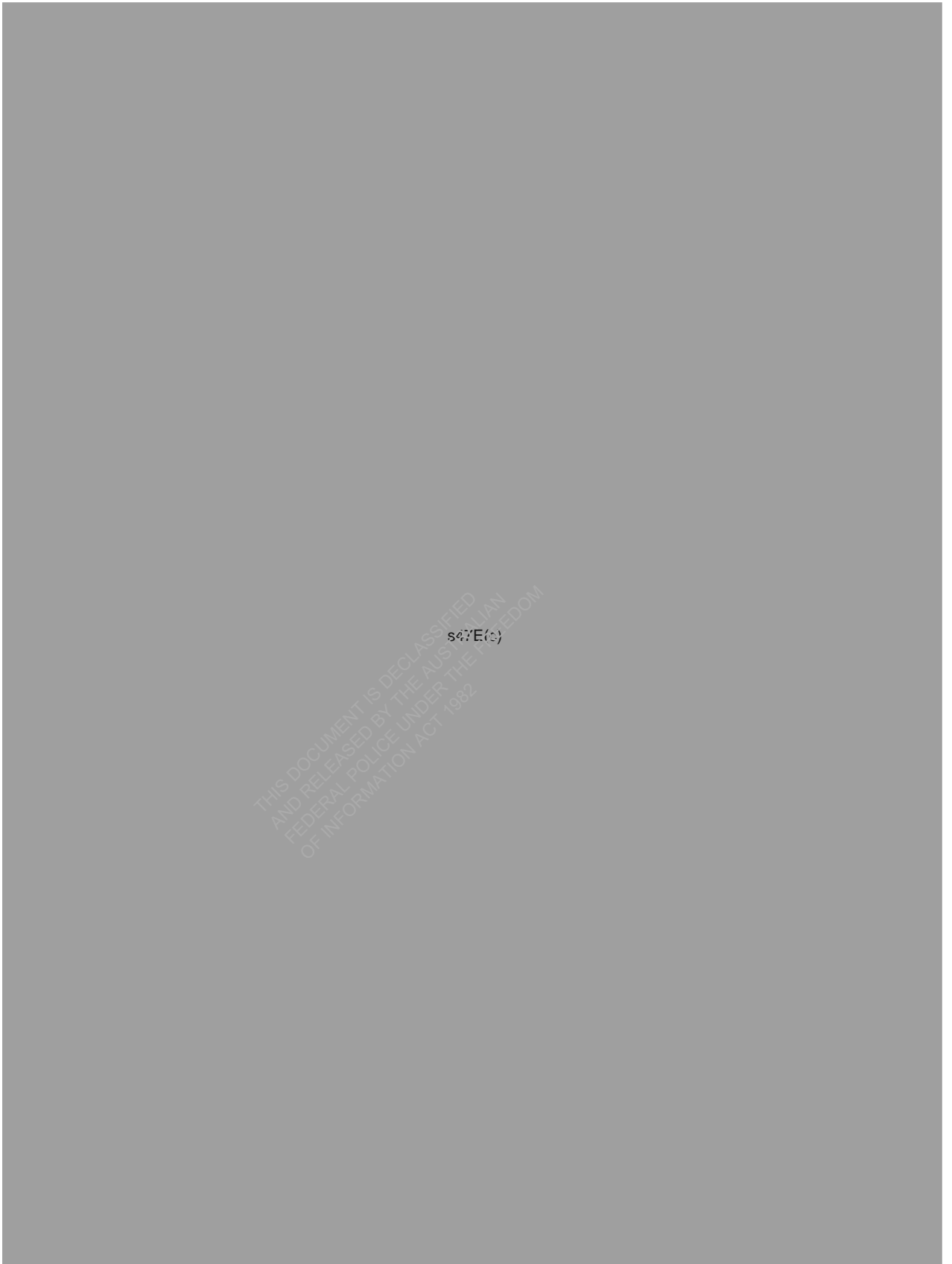
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¹⁰ Annexure L -

¹¹ Annexure M -

¹² Annexure N -

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¹³ Annexure O –

s47E(c)

¹⁴ Annexure P –

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4.21 Other findings relevant to the investigation

4.22 Nil other findings relevant to the investigation.

4.23 Findings on AFP Code of Conduct

4.24 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.11 which provides:

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

4.25 The AFP is a values driven organisation requiring all AFP appointees, irrespective of their position, rank or status, to exhibit behaviours that reflect the core values at all times. These core values operate to ensure the organisation maintains the highest standards in all facets of its operations and to maintain the significant trust and confidence the community and the parliament has in the AFP.

4.26

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4.27 As such, on the balance of probabilities, LSC s47E(c) conduct **does** amount to a breach of section 8.11 of the AFP Code of Conduct.

4.28 Findings on Categorisation

4.29 The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.

4.30 Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:

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“intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee’s official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence.”


4.31 Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:

(1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:

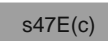
- (a) conduct of that kind:
 - (i) is serious misconduct by an AFP appointee; or
 - (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
 - (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and
- (b) conduct of that kind does not raise a corruption issue.


(2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).


4.32 With regard to Conduct Issue Three (3), I am satisfied that, on the balance of probabilities, the conduct does constitute serious misconduct as the actions were intentional and deliberate and demonstrated wilful indifference to the AFP Code of Conduct, because:

-  s47E(c)

Conclusion

4.33 I am satisfied that LSC  conduct amounts to a breach of section 8.11 of the AFP Code of Conduct.

4.34 I am also satisfied that LSC  conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.

4.35 I conclude that, on the balance of probabilities LSC  id seriously breach section 8.11 of the AFP Code of Conduct. It is recommended Conduct Issue Three (3) be **ESTABLISHED** as a Category 3 complaint.

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5. Conduct Issue 4

5.1 Findings of fact

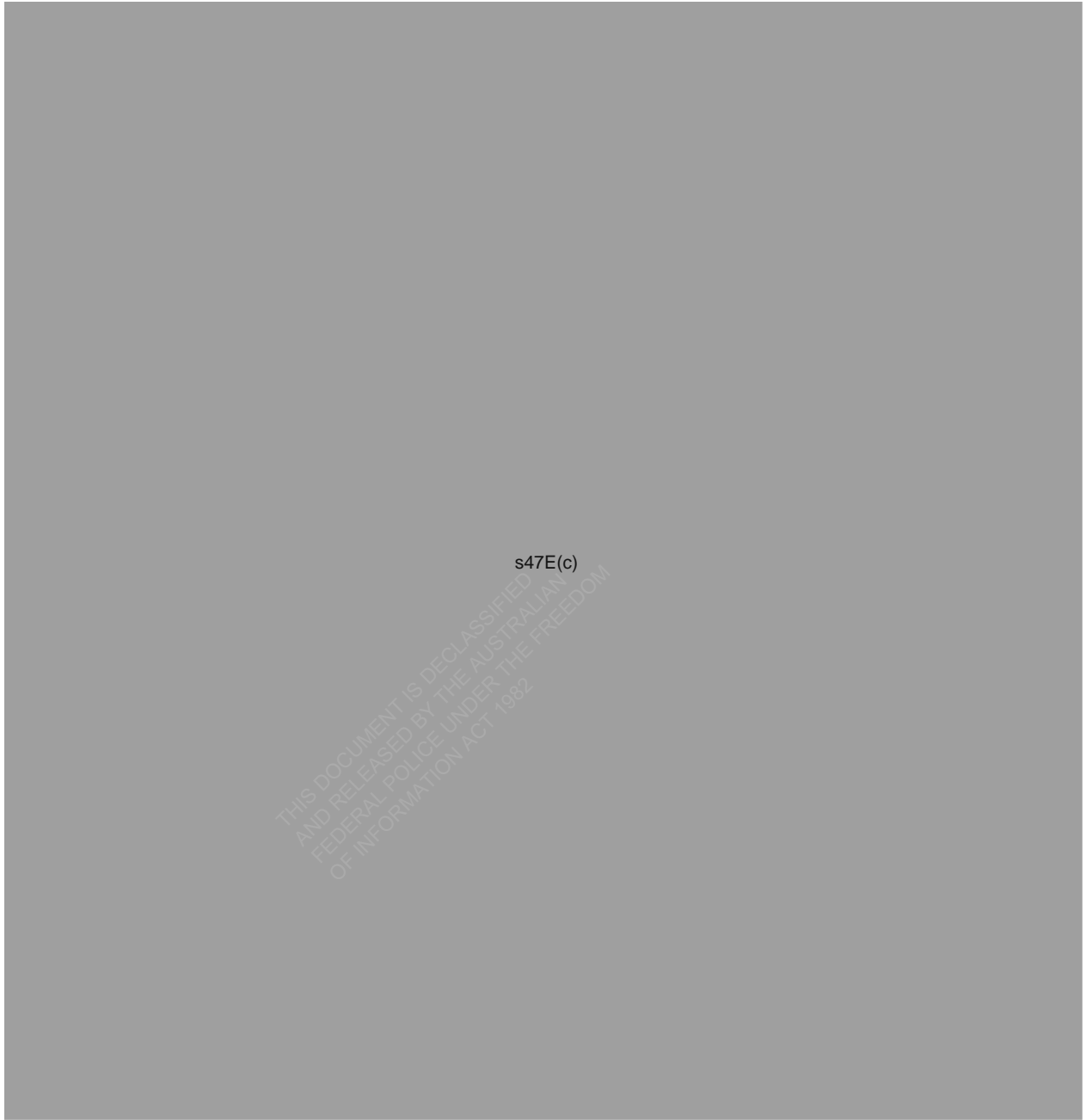
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- ¹⁵ Annexure Q -
- ¹⁶ Annexure R -
- ¹⁷ Annexure S -
- ¹⁸ Annexure T -
- ¹⁹ Annexure U -

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5.14 Other findings relevant to the investigation

²⁰ Annexure V -

²¹ Annexure U -

²² Annexure W -

²³ Annexure X -

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5.15 Nil other findings relevant to the investigation.

5.16 Findings on AFP Code of Conduct

5.17 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.3 which provides:

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

5.18

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s47E(c)

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5.21 As such, on the balance of probabilities, LSC s47E(c) conduct **does** amount to a breach of section 8.3 of the AFP Code of Conduct.

5.22 Findings on Categorisation

5.23 Relevant to Conduct Issue Four (4), section 6 of the *LEIC Act 2006* provides the following meaning of "engages in corrupt conduct":

- (1) For the purposes of this Act, a staff member of a law enforcement agency *engages in corrupt conduct* if the staff member, while a staff member of the agency, engages in:
- a) conduct that involves, or that is engaged in for the purpose of, the staff member abusing his or her office as a staff member of the agency; or
 - b) conduct that perverts, or that is engaged in for the purpose of perverting, the course of justice; or
 - c) conduct that, having regard to the duties and powers of the staff member as a staff member of the agency, involves, or is engaged in for the purpose of, corruption of any other kind.

5.24 Section 7 of the *LEIC Act 2006* defines the meaning of a "corruption issue" as an issue whether a person who is, or has been a staff member of a law enforcement agency:

- a) has, or may have, engaged in corrupt conduct; or
- b) is, or may be, engaging in corrupt conduct; or
- c) will, or may at any time in the future, engage in corrupt conduct.

5.25 The *LEIC Act* does not explicitly define corruption, however, adopting the dictionary's definition, it may be defined as:

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- the state of being corrupt;
- moral perversion;
- perversion of integrity;
- corrupt or dishonest proceedings;
- bribery;
- any corrupting influence or agency.

5.26

s47E(c)

s47E(c)

5.27 As outlined under the Findings on AFP Code of Conduct, the investigating officer has established that on the balance of probabilities, LSC s47E(c) abused s47E(c) position as an AFP appointee when s47E(c)

s47E(c)

5.28

s47E(c)

5.29

s47E(c)

Conclusion

5.30 I am satisfied that LSC s47E(c) conduct amounts to a breach of section 8.3 of the AFP Code of Conduct.

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- 5.31 I am also satisfied that LSC [s47E(c)] conduct is a corruption issue in accordance with section 6 of the *LEIC Act*.
- 5.32 I conclude that, on the balance of probabilities LSC [s47E(c)] did corruptly breach section 8.3 of the AFP Code of Conduct. It is recommended Conduct Issue Four (4) be **ESTABLISHED** as a Corruption Issue.

6. Conduct Issue 5

6.1 Findings of fact

6.2

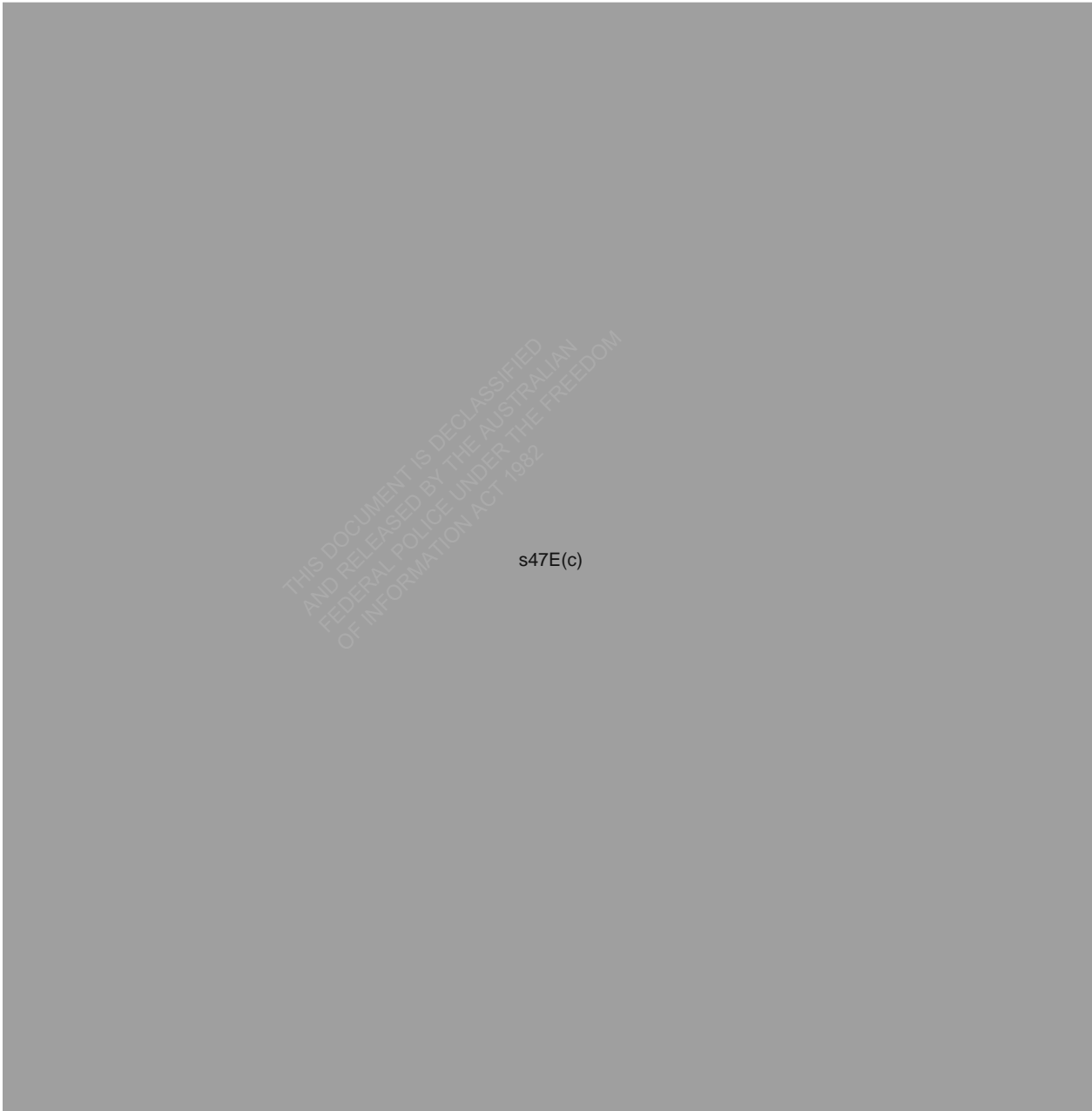
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²⁴ Annexure Y -
²⁵ Annexure Z -
²⁶ Annexure AA
²⁷ Annexure BB

[s47E(c)]

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6.7.2

6.7.3

s47E(c)

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s47E(c)

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6.10

6.11

²⁸ Annexure E -

²⁹ Annexure C -

s47E(c)

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6.12

s47E(c)

6.13

6.14 **Other findings relevant to the investigation**

6.15 Nil other findings relevant to the investigation.

6.16 **Findings on AFP Code of Conduct**

6.17 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.3 which provides:

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

6.18

s47E(c)

6.19

6.20

s47E(c)

6.21 As such, on the balance of probabilities, LSC s47E(c) conduct **does** amount to a breach of section 8.3 of the AFP Code of Conduct

6.22 **Findings on Categorisation**

³⁰ Annexure CC -

s47E(c)

³¹ Annexure DD

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- 6.23** The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.
- 6.24** Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:
- "intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee's official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence."
- 6.25** Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:
- (1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:
- (a) conduct of that kind:
- (i) is serious misconduct by an AFP appointee; or
- (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
- (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and
- (b) conduct of that kind does not raise a corruption issue.
- (2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).
- 6.26** With regard to Conduct Issue Five (5), I am satisfied that, on the balance of probabilities, the conduct does constitute serious misconduct as the actions were intentional and deliberate and demonstrated wilful indifference to the AFP Code of Conduct, because:

- [REDACTED]

- s47E(c)

- [REDACTED]

Conclusion

- 6.27** I am satisfied that LSC [REDACTED] s47E(c) conduct amounts to a breach of section 8.3 of the AFP Code of Conduct.

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- 6.28 I am also satisfied that LSC [s47E(c)] conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.
- 6.29 I conclude that, on the balance of probabilities LSC [s47E(c)] did seriously breach section 8.3 of the AFP Code of Conduct. It is recommended Conduct Issue Five (5) be **ESTABLISHED** as a Category 3 complaint.

7. Conduct Issue 6

7.1 Findings of fact

7.2

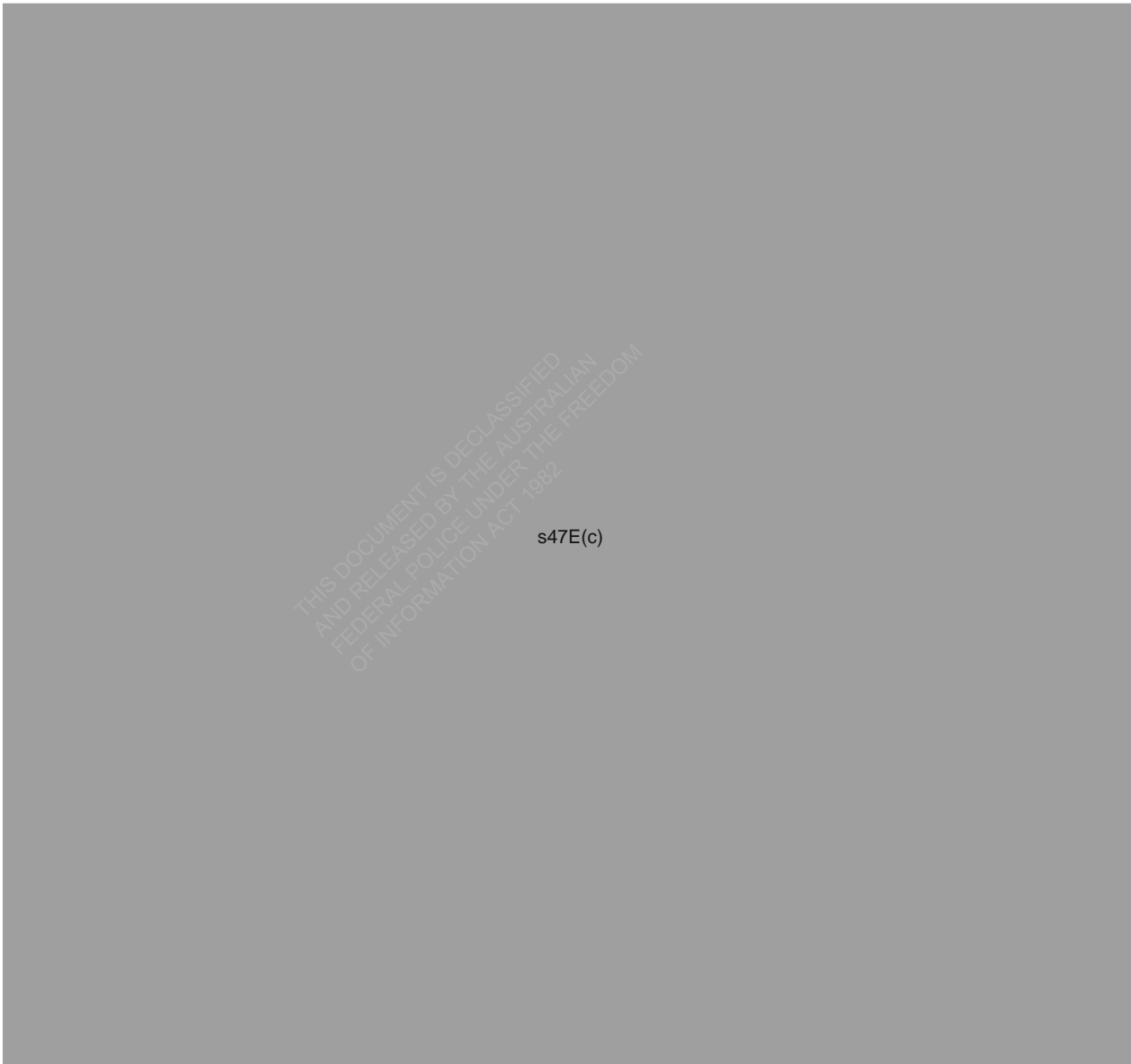
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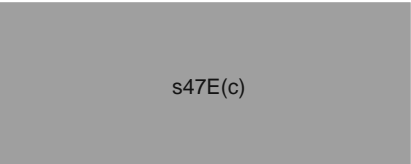
7.5

7.6

7.7



³² Annexure EE
³³ Annexure EE
³⁴ Annexure FF
³⁵ Annexure GG
³⁶ Annexure GG



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s47E(c)

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s47E(c)

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³⁷ Annexure HH -

³⁸ Annexure HH -

³⁹ Annexure II -

⁴⁰ Annexure GC -

⁴¹ Annexure JJ -

s47E(c)

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- [Redacted] s47E(c)

7.14 [Redacted]
7.15 [Redacted]
7.16 [Redacted]
7.17 [Redacted] s47E(c)
7.18 [Redacted]

7.19 Other findings relevant to the investigation

7.20 Nil other findings relevant to the investigation.

7.21 Findings on AFP Code of Conduct

7.22 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.3 which provides:

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

7.23 In relation to Conduct Issue Six (6), it is found that LSC [Redacted] s47E(c)

[Redacted] s47E(c)

7.24 [Redacted] s47E(c)

7.25 [Redacted] s47E(c)

7.26 [Redacted] s47E(c)

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- 7.27 By virtue of LSC s47E(c) being an AFP appointee, s47E(c) communication with s47E(c) s47E(c)
- 7.28 s47E(c)
- 7.29 As such, on the balance of probabilities, LSC s47E(c) conduct **does** amount to a breach of section 8.3 of the AFP Code of Conduct.
- 7.30 **Findings on Categorisation**
- 7.31 The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.
- 7.32 Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:
- “intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee’s official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence.”
- 7.33 Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:
- (1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:
- (a) conduct of that kind:
- (i) is serious misconduct by an AFP appointee; or
- (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
- (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and
- (b) conduct of that kind does not raise a corruption issue.
- (2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).
- 7.34 With regard to Conduct Issue Six (6), I am satisfied that, on the balance of probabilities, the conduct does constitute serious misconduct as the communications were intentional and deliberate and demonstrated wilful indifference to the AFP Code of Conduct, because:
- LSC s47E(c) s47E(c)

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s47E(c)

Conclusion

- 7.35** I am satisfied that LSC s47E(c) conduct amounts to a breach of section 8.3 of the AFP Code of Conduct.
- 7.36** I am also satisfied that LSC s47E(c) conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.
- 7.37** I conclude that, on the balance of probabilities LSC s47E(c) did seriously breach section 8.3 of the AFP Code of Conduct. It is recommended Conduct Issue Six (6) be **ESTABLISHED** as a Category 3 complaint.

8. Conduct Issue 7

8.1 Findings of fact

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s47E(c)

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⁴² Annexure KK

s47E(c)

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s47E(c)

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8.11 **Other findings relevant to the investigation**

8.12 Nil other findings relevant to the investigation.

8.13 **Findings on AFP Code of Conduct**

8.14 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The sections of the Code relevant to this conduct issue are section 8.3 which provides:

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

8.15 This allegation against LSC s47E(c) concerns as to whether s47E(c) conduct amounts to a breach of section 8.3 of the AFP Code of Conduct.

8.16

s47E(c)

8.17

s47E(c)

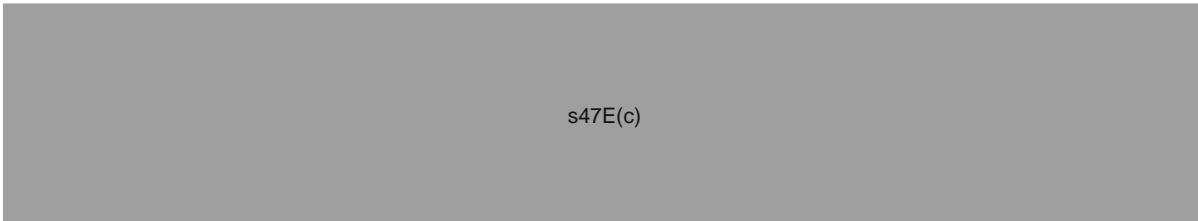
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- 8.18** As such, on the balance of probabilities, LSC s47E(c) conduct **does** amount to a breach of section 8.3 of the AFP Code of Conduct.
- 8.19** **Findings on Categorisation**
- 8.20** The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.
- 8.21** Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:
- "intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee's official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence."
- 8.22** Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:
- (1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:
- (a) conduct of that kind:
- (i) is serious misconduct by an AFP appointee; or
- (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
- (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and
- (b) conduct of that kind does not raise a corruption issue.
- (2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).
- 8.23** With regard to Conduct Issue Seven (7), I am satisfied that, on the balance of probabilities, the conduct does constitute serious misconduct as the communications were intentional and deliberate and demonstrated wilful indifference to the AFP Code of Conduct, because:

-  s47E(c)

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- [Redacted]
s47E(c)

8.24 Conclusion

8.25 I am satisfied that LSC [Redacted] conduct amounts to a breach of section 8.3 of the AFP Code of Conduct.

8.26 I am also satisfied that LSC [Redacted] conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.

8.27 I conclude that, on the balance of probabilities LSC [Redacted] did seriously breach section 8.3 of the AFP Code of Conduct. It is recommended Conduct Issue Seven (7) be **ESTABLISHED** as a Category 3 complaint.

9. Conduct Issue 8

9.1 Findings of fact

9.2 [Redacted]
s47E(c)

9.3 [Redacted]
s47E(c)

9.4 [Redacted]
9.5 [Redacted]
s47E(c)

9.6 [Redacted]
9.7 [Redacted]

⁴³ Annexure LL [Redacted] s47E(c)

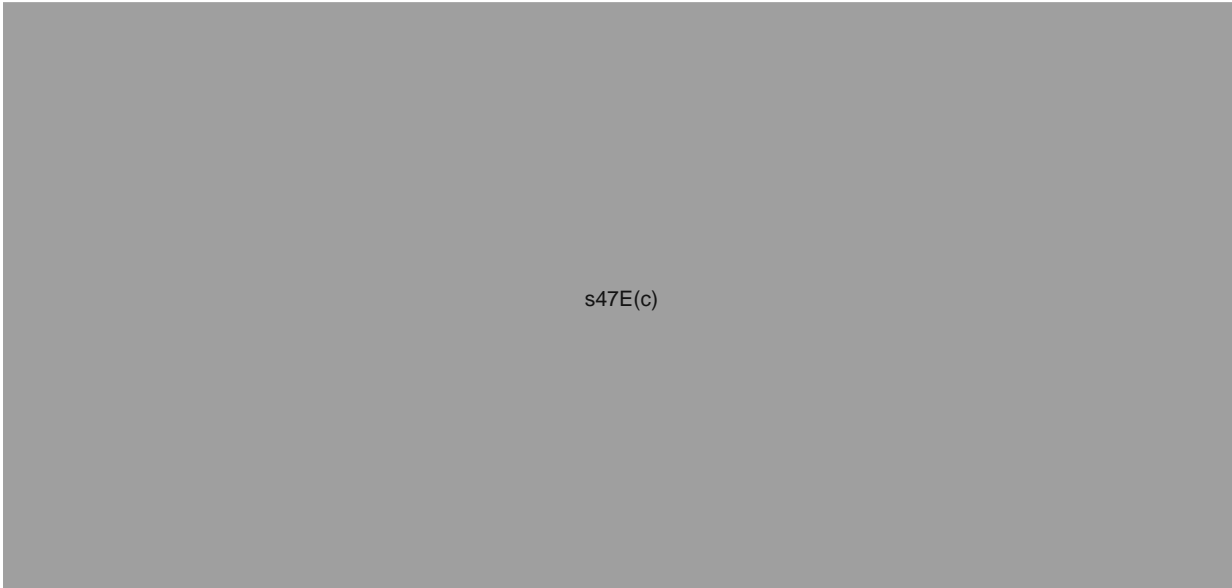
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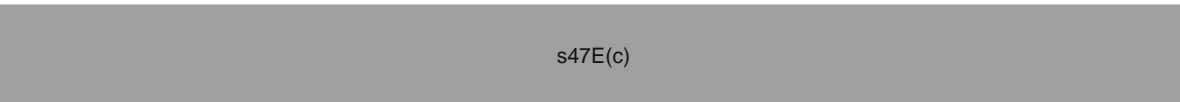
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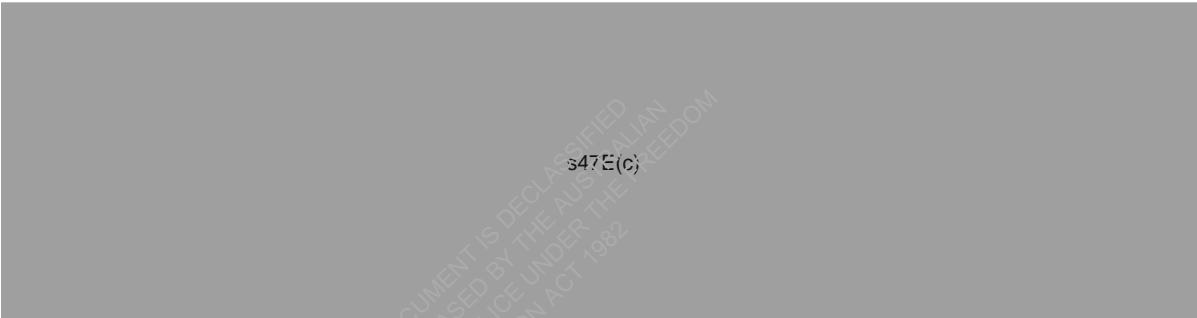
s47E(c)

9.9



s47E(c)

9.10



s47E(c)

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s47E(c)

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⁴⁴ Annexure MM

⁴⁵ Annexure NN -

s47E(c)

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- [Redacted] s47E(c)
- 9.14 [Redacted]
- 9.15 [Redacted] s47E(c)
- 9.16 [Redacted] s47E(c)
- 9.17 **Other findings relevant to the investigation**
- 9.18 Nil other findings relevant to the investigation.
- 9.19 **Findings on AFP Code of Conduct**
- 9.20 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.11 which provides:

an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP.
- 9.21 The AFP is a values driven organisation requiring all AFP appointees, irrespective of their position, rank or status, to exhibit behaviours that reflect the core values at all times. These core values operate to ensure the organisation maintains the highest standards in all facets of its operations and to maintain the significant trust and confidence the community and the parliament has in the AFP.
- 9.22 [Redacted] s47E(c)
- 9.23 As such, on the balance of probabilities, LSC [Redacted] s47E(c) conduct **does** amount to a breach of section 8.11 of the AFP Code of Conduct.

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9.24 Findings on Categorisation

9.25 The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.

9.26 Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:

"intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee's official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence." Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:

(1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:

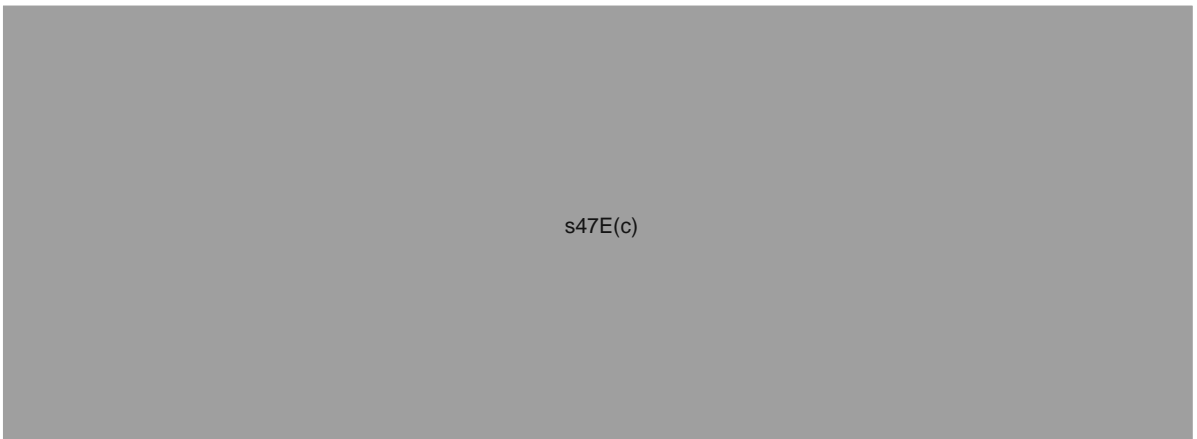
(a) conduct of that kind:

- (i) is serious misconduct by an AFP appointee; or
- (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
- (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and

(b) conduct of that kind does not raise a corruption issue.

(2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).

9.27 With regard to Conduct Issue Eight (8), I am satisfied that, on the balance of probabilities, the conduct does constitute serious misconduct as the failure to disclose was intentional and deliberate and demonstrated wilful indifference to the AFP Code of Conduct, because:

-  s47E(c)

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- [redacted] s47E(c)

Conclusion

9.28 I am satisfied that LSC [redacted] s47E(c) conduct amounts to a breach of section 8.11 of the AFP Code of Conduct.

9.29 I am also satisfied that LSC [redacted] s47E(c) conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.

9.30 I conclude that, on the balance of probabilities LSC [redacted] s 47E(c) did seriously breach section 8.11 of the AFP Code of Conduct. It is recommended Conduct Issue Eight (8) be **ESTABLISHED** as Category 3 conduct.

10. Conduct Issue 9

10.1 Findings of fact

10.2

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10.5

10.6



⁴⁶ Annexure OO - [redacted] s47E(c)

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s47E(c)

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s47E(c)

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⁴⁷ Annexure NN -

s47E(c)

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10.15

s47E(c)

10.16 **Other findings relevant to the investigation**

10.17

s47E(c)

10.18 **Findings on AFP Code of Conduct**

10.19 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards* (CO2). The section of the Code relevant to this conduct issue is section 8.5 which provides:

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.

10.20

s47E(c)

10.21 As LSC s47E(c) did not comply with the aforementioned legislations, s47E(c) in clear contravention of the AFP Code of Conduct.

10.22 As such, on the balance of probabilities, LSC s47E(c) conduct **does** amount to a breach of section 8.5 of the AFP Code of Conduct.

10.23 **Findings on Categorisation**

10.24 The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.

10.25 Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:

"intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee's official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence." Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:

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(1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:

- (a) conduct of that kind:
 - (i) is serious misconduct by an AFP appointee; or
 - (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
 - (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and
- (b) conduct of that kind does not raise a corruption issue.

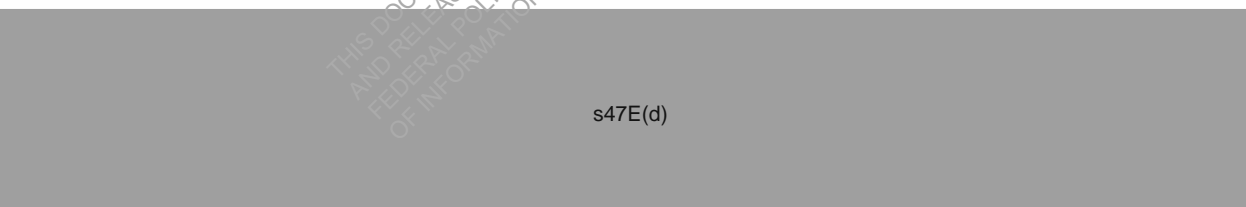
(2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).

10.26



s47E(c)

10.27



s47E(d)

10.28 Conclusion

10.29 I am satisfied that LSC [s47E(c)] conduct amounts to a breach of section 8.5 of the AFP Code of Conduct.

10.30 I am also satisfied that LSC [s47E(c)] conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.

10.31 I conclude that, on the balance of probabilities LSC [s47E(c)] did seriously breach section 8.5 of the AFP Code of Conduct. It is recommended Conduct Issue Nine (9) be **ESTABLISHED** as Category 3 conduct.

11. Conduct Issue 10

11.1 Findings of fact

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⁴⁸ Annexure QQ

⁴⁹ Annexure RR -

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s47E(c)

11.7

s47E(c)

11.8

11.9 **Other findings relevant to the investigation**

11.10 Nil other findings relevant to the investigation.

11.11 **Findings on AFP Code of Conduct**

11.12 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.6 which provides:

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

11.13

11.14

11.15

s47E(c)

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11.17

11.18 **Findings on Categorisation**

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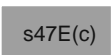

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- 11.19** The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.
- 11.20** Relevant to this conduct issue the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Australian Federal Police Act 1979. The AFP Determination defines 'serious misconduct' as:
- "intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee's official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence."
- 11.21** Section 40RP of the *Australian Federal Police Act 1979* (Cth) (the AFP Act) provides:
- (1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:
- (a) conduct of that kind:
- (i) is serious misconduct by an AFP appointee; or
- (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
- (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and
- (b) conduct of that kind does not raise a corruption issue.
- (2) Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).

- 11.22** With regard to Conduct Issue 10, I am satisfied that, on the balance of probabilities, the conduct does constitute serious misconduct as the failure to follow a lawful direction was intentional and deliberate and demonstrated wilful indifference to the AFP Code of Conduct, because:

-  s47E(c)

Conclusion

- 11.23** I am satisfied that LSC  conduct amounts to a breach of section 8.6 of the AFP Code of Conduct.
- 11.24** I am also satisfied that LSC  conduct is Category 3 conduct in accordance with the Determination and section 40RP of the AFP Act.

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11.25 I conclude that, on the balance of probabilities LSC s47E(c) did seriously breach section 8.6 of the AFP Code of Conduct. It is recommended Conduct Issue 10 be **ESTABLISHED** as Category 3 conduct.

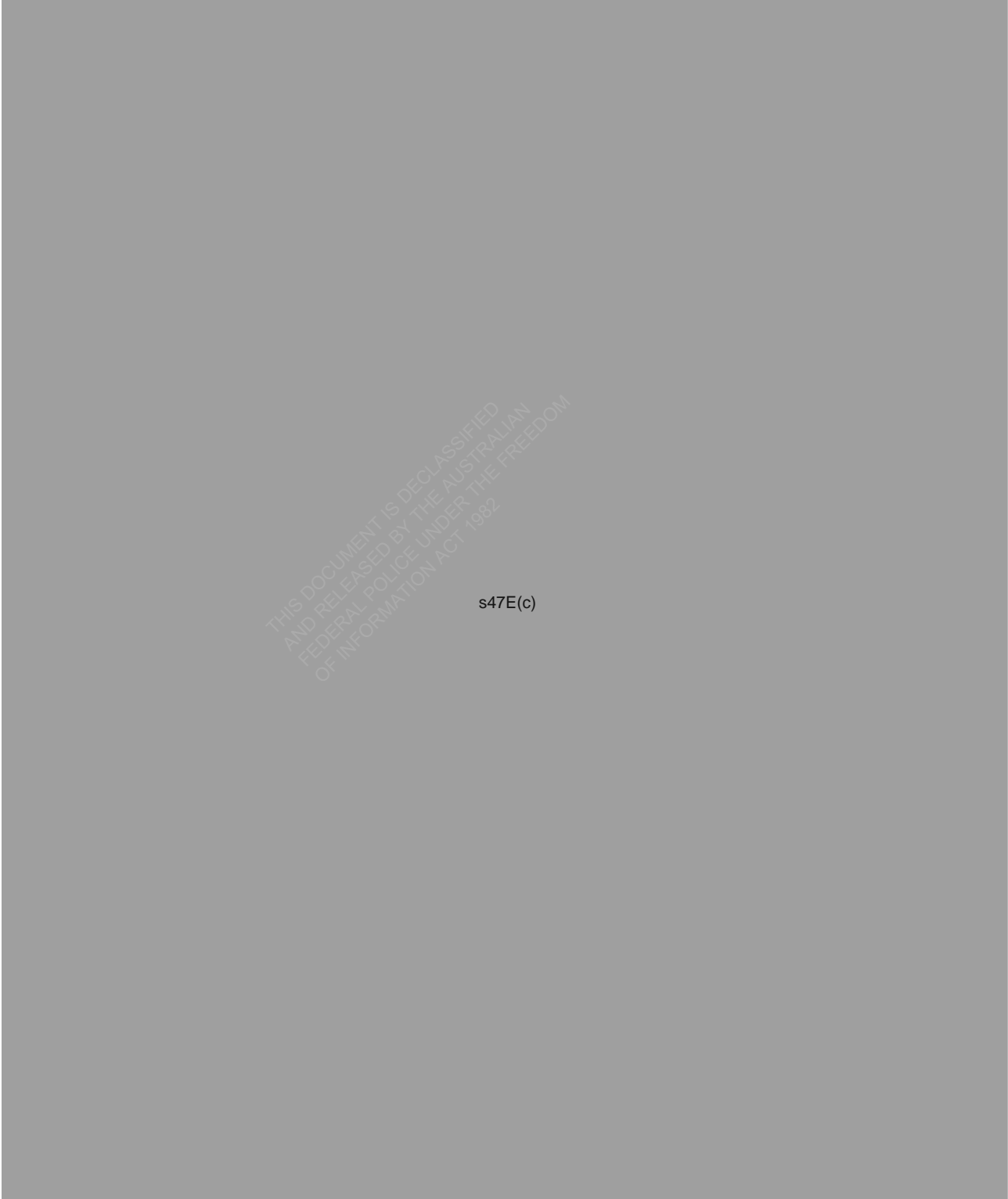
12. Conduct Issue 11

12.1 Findings of fact

12.2

12.3

12.4



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s47E(c)
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s47E(c)

12.5 Other findings relevant to the investigation

12.6
12.7
s47E(c)

-
s47E(c)

12.8 Findings on AFP Code of Conduct

12.9 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The sections of the Code relevant to this conduct issue is section 8.4 which provides:

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

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12.10 This allegation against LSC s47E(c) concerns as to whether s47E(c) conduct amounts to a breach of section 8.4 of the AFP Code of Conduct.

12.11

s47E(c)

-

s47E(c)

12.12

s47E(c)

12.13 **Findings on Categorisation**

12.14

s47E(c)

12.15 **Conclusion**

12.16

s47E(c)

13. Conduct Issue 12

13.1 **Findings of fact**

13.2

s47E(c)

s47E(c)

13.3

⁵⁰ Annexure SS – s47E(c)

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13.4 [Redacted] s47E(c)

13.4 [Redacted] s47E(c)

13.5 [Redacted]

13.6 [Redacted]

13.7 [Redacted]

13.8 [Redacted]

13.9 [Redacted] s47E(c)

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13.10 Other findings relevant to the investigation

13.11 Nil Other findings

13.12 Findings on AFP Code of Conduct

13.13 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.3 which provides:

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

13.14 In relation to Conduct Issue 12, it is found that LSC [Redacted] s47E(c)

[Redacted] s47E(c)

⁵¹ Annexure TT – [Redacted] s47E(c)

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13.15 Further, LSC s47E(c) was s 47E(c)

13.16

s 47E(c)

13.17

13.18 Findings on Categorisation

13.19 The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.

13.20 Relevant to this conduct issue, the Determination provides a matter is a Category 2 matter if it amounts to minor misconduct as defined under Part V of the Australian Federal Police Act 1979. The Determination defines minor misconduct as:

“intentional or negligent conduct that is inconsistent with the AFP Code of Conduct and/or values of the AFP, and should reasonably be dealt with through training and development or remedial action in the workplace.”

13.21 Section 40RO of the Australian Federal Police Act 1979 provides:

- (1) The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 2 conduct for the purposes of this Act only if they are satisfied that:
- (a) conduct of that kind is:
 - (i) minor misconduct by an AFP appointee; or
 - (ii) inappropriate conduct that reveals unsatisfactory behaviour by an AFP appointee;
 - or
 - (b) conduct of that kind:
 - (i) would otherwise be category 1 conduct; and
 - (ii) warrants, because of its repeated nature, being treated as category 2 conduct for the purposes of this Act.

(2) The Commissioner and the Ombudsman must also be satisfied that the conduct does not warrant being treated as category 3 conduct for the purposes of this Act.

13.22 Conduct Issue 12 appears to be an isolated incident of inappropriate conduct that reveals unsatisfactory behaviour, and a minor misconduct issue. There is no evidence of an ongoing course of conduct on behalf of LSC s47E(c) relating to s 47E(c)

13.23 The conduct is considered minor misconduct because:

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- [REDACTED]
- s47E(c)
-

13.24 Based on these reasons, PRS determine this behaviour to be Category 2 misconduct.

13.25 With regard to Conduct Issue 12, I am satisfied that, on the balance of probabilities, the conduct does constitute minor misconduct as it is inappropriate conduct that reveals unsatisfactory behaviour by an AFP appointee.

Conclusion

13.26 I am satisfied that LSC [REDACTED] s47E(c) conduct amounts to a breach of section 8.3 of the AFP Code of Conduct.

13.27 I am also satisfied that LSC [REDACTED] s47E(c) conduct is Category 2 conduct in accordance with the Determination and section 40RO of the AFP Act.

13.28 I conclude that, on the balance of probabilities LSC [REDACTED] s 47E(c) did breach section 8.3 of the AFP Code of Conduct. It is recommended Conduct Issue 12 be **ESTABLISHED** as a Category 2 complaint.

14. Natural Justice Response

14.1 [REDACTED] s 47E(c) submitted a Natural Justice Response (NJR)⁵² consisting of a 17 page document relating to each of the conduct issues and some additional attachments⁵³ to support the NJR. The following is a breakdown of the NJR. During the NJR [REDACTED] s47E(b) is referred to as [REDACTED] s47E(c)

14.2 [REDACTED]

14.3 [REDACTED] s47E(c)

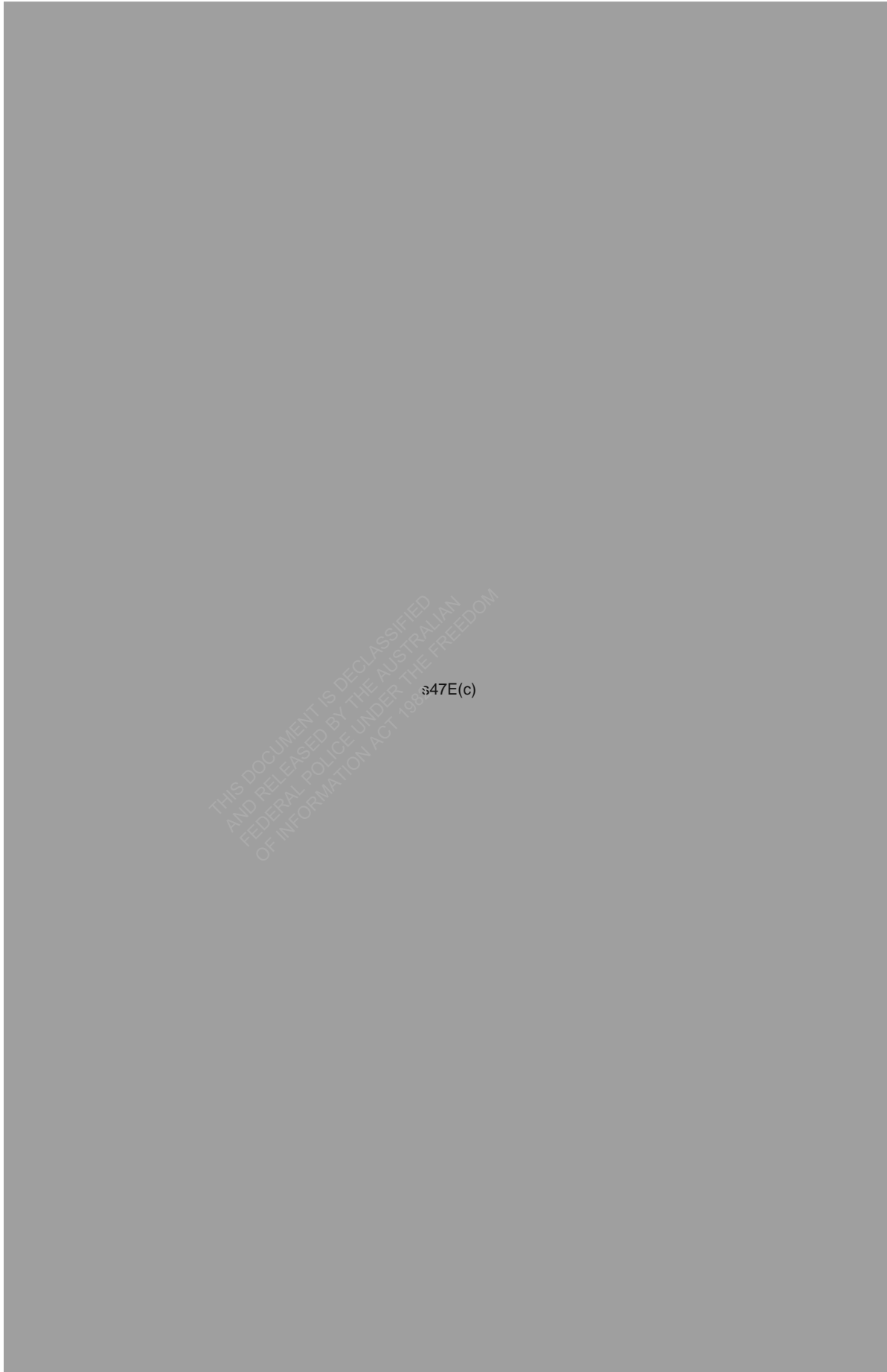
⁵² Natural Justice Response – [REDACTED] s47E(c)

⁵³ Natural Justice Response Attachment

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s47E(c)

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s47E(c)

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s47E(c)

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s47E(c), s47G(1)(a)

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⁵⁴ Annexure D2 - s47E(c)

⁵⁵ Annexure D1 s47E(c)

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s47E(c)

14.4

s47E(c)

- s47E(c) provides some information in regards to this allegation which was proposed as a 'Not Established' finding.
 - o PRS continue to recommend the finding of 'Not Established'.

14.5

s47E(c)

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s47E(c)

The finding remains 'Established'.

14.6

s47E(c)

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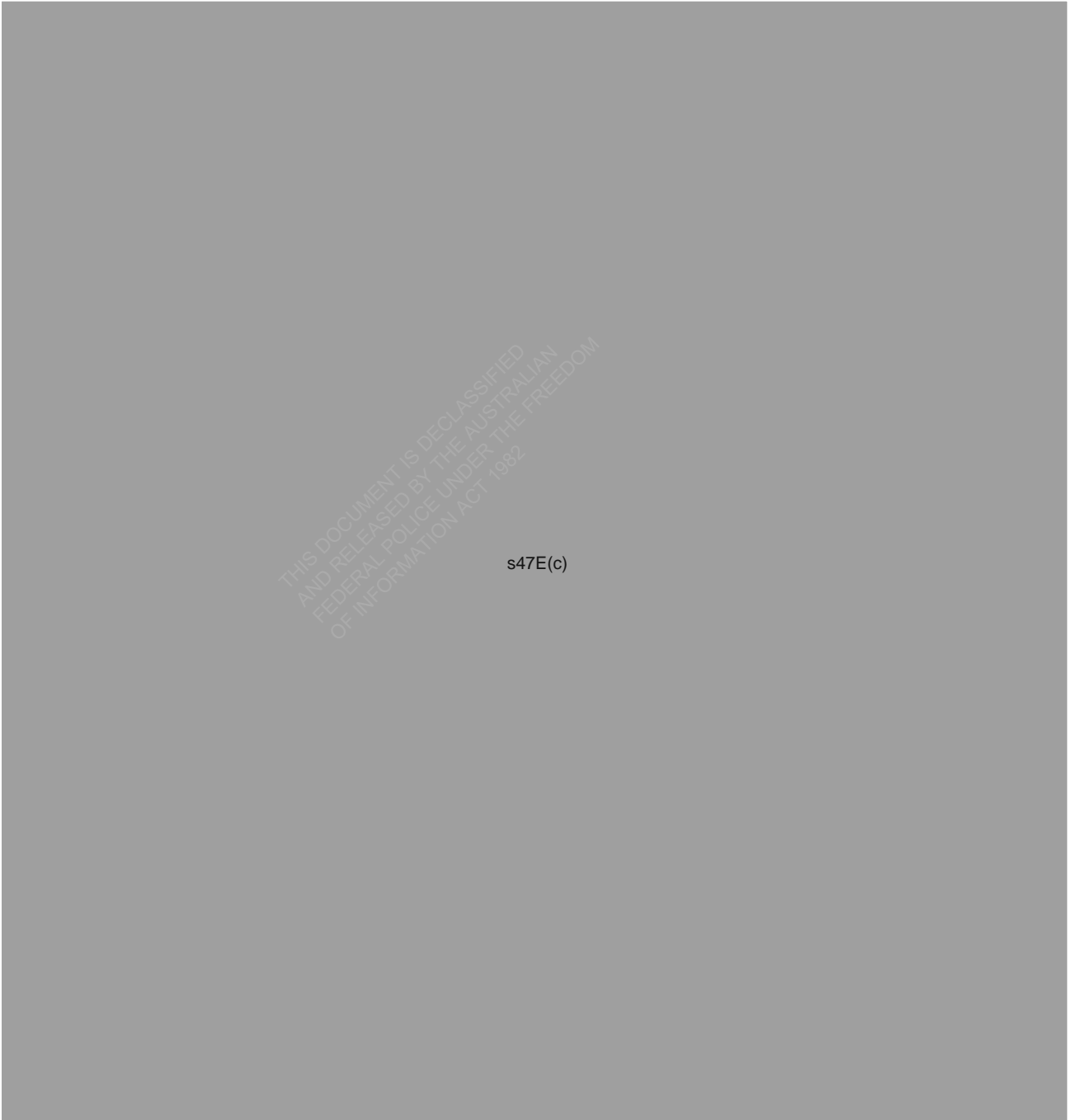


s47E(c)

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- This matter remains 'Established'.

14.7



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s47E(c)

- This matter remains 'Established'.

14.8

s47E(c)

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- This matter remains ESTABLISHED.

14.9

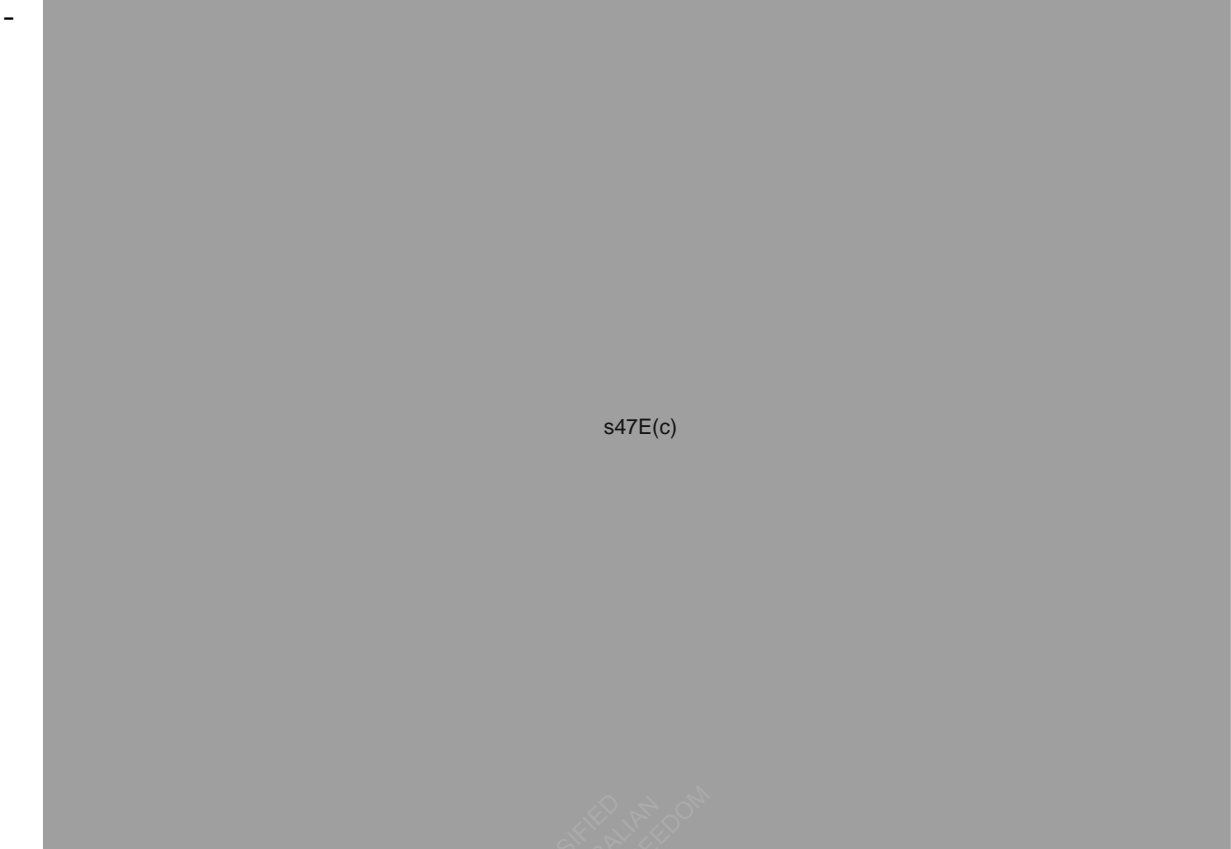
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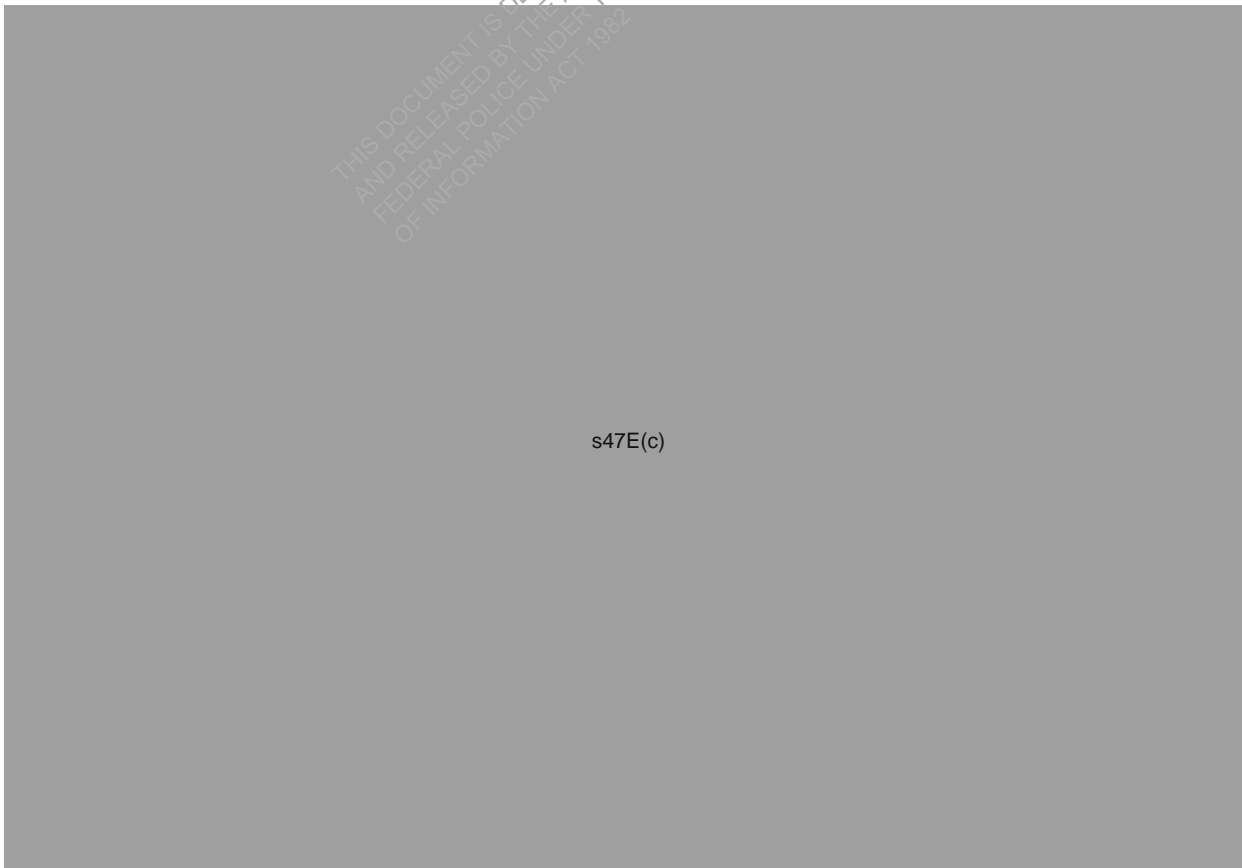
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s47E(c)

- This matter remains ESTABLISHED.

14.10



s47E(c)

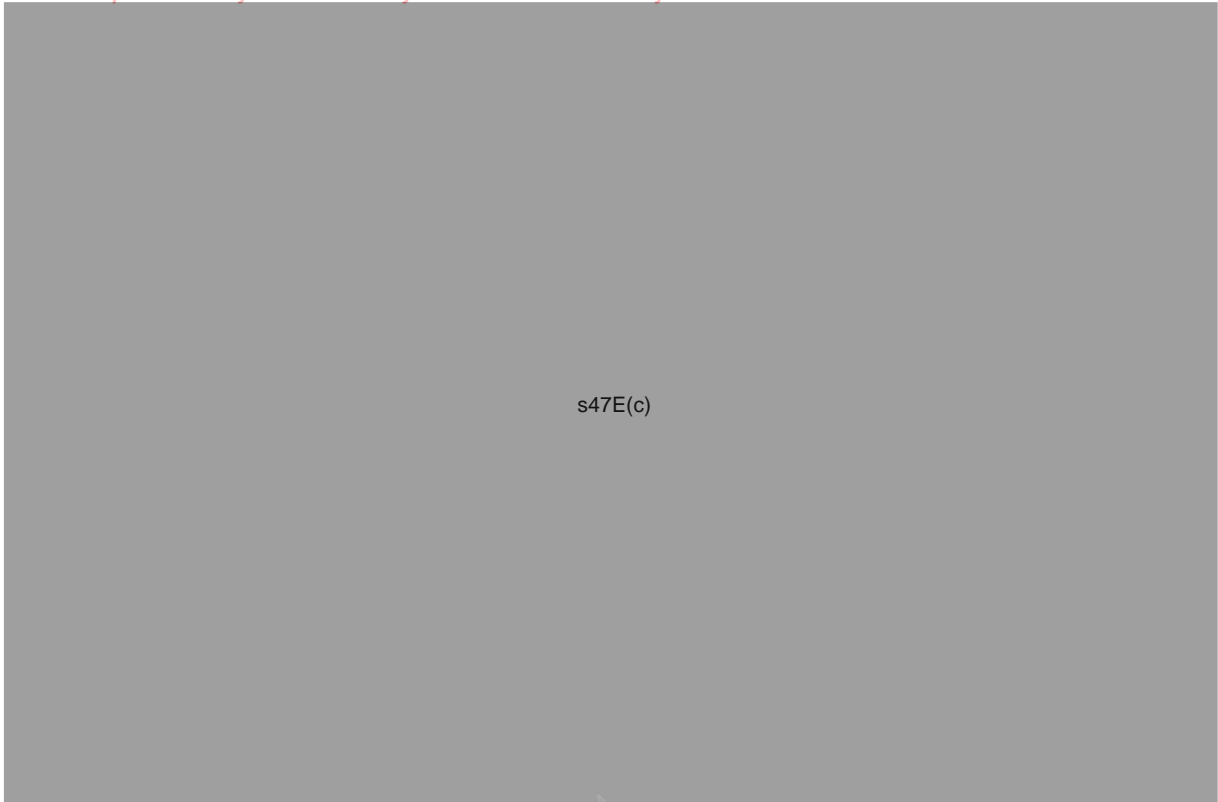
⁵⁶ Annexure KK1 – s47E(c)

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s47E(c)

- PRS maintain this as an ESTABLISHED finding.

14.11



s47E(c)

- The alleged conduct remains ESTABLISHED.

14.12



s47E(c)



s47E(c)

⁵⁷ Annexure NN1 –

s47E(c)

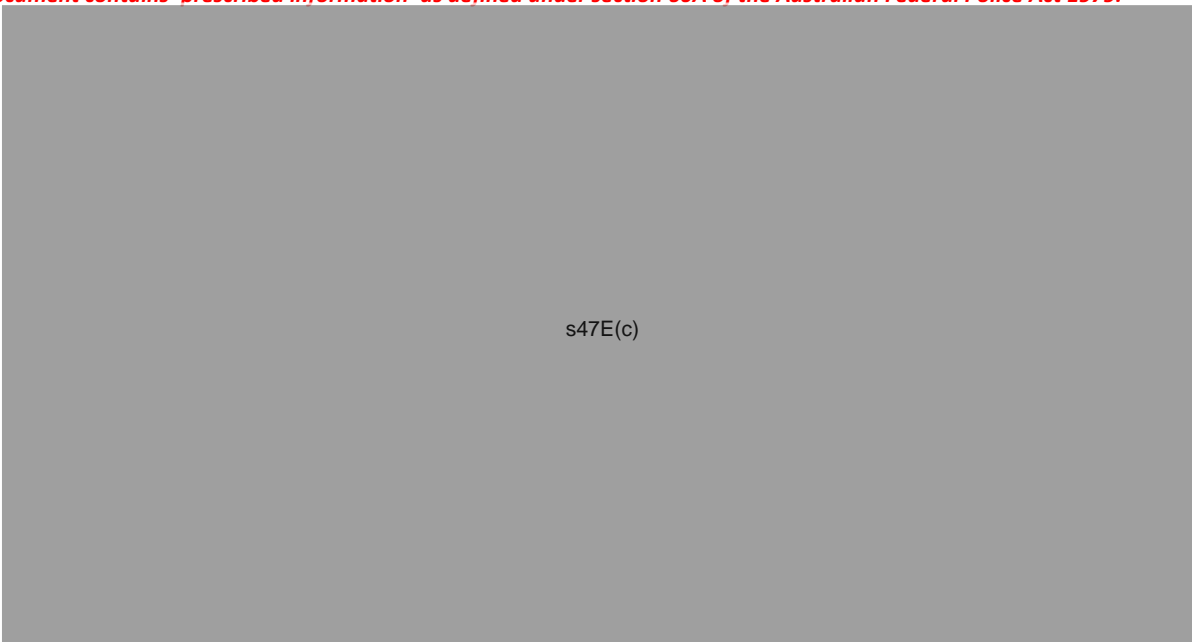
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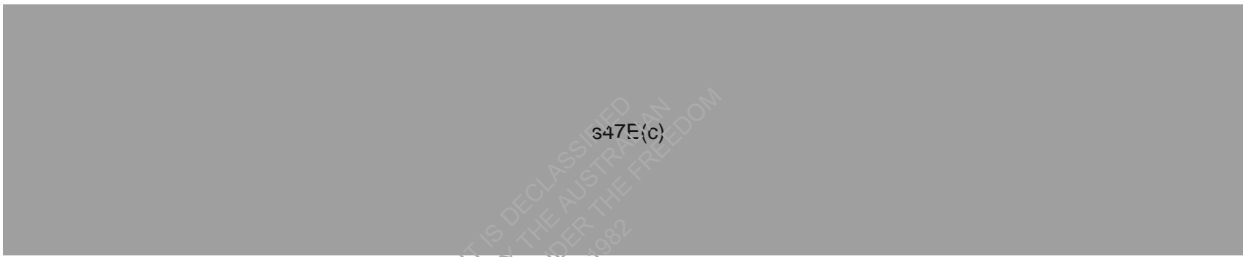
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s47E(c)

- o The alleged conduct remains ESTABLISHED.

14.13



s47E(c)

- o PRS have recommended this matter be closed by way of 40TF(2)(k) finding with no further action. PRS make no changes and seek to close this matter with no further action.

14.14



s47E(c)

s 47E(c)

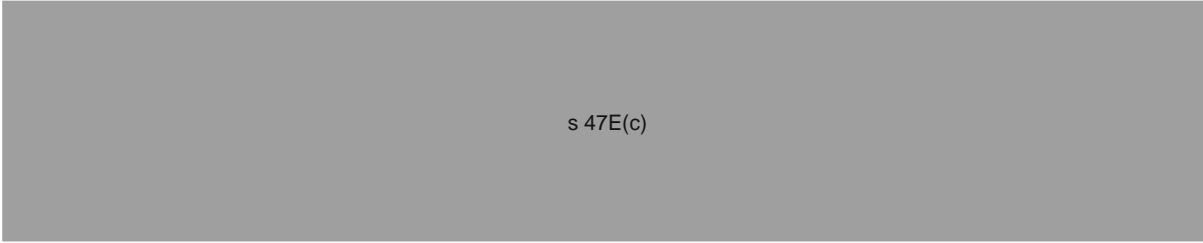
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s 47E(c)

15. Final Recommendation Post NJR

15.1 In summary post the NJR by s47E(c) the above conduct breaches are summarised and endorsed as follows:

- Conduct Issue 1 - Category 3 - Breach of Section 8.11 - ESTABLISHED
- Conduct Issue 2 - Category 3 - Breach of Section 8.11 – NOT ESTABLISHED
- Conduct Issue 3 - Category 3 - Breach of Section 8.11 – ESTABLISHED
- Conduct Issue 4 – Corruption Issue - Breach of Section 8.3 – ESTABLISHED
- Conduct Issue 5 - Category 3 - Breach of Section 8.3 – ESTABLISHED
- Conduct Issue 6 - Category 3 - Breach of Section 8.3 – ESTABLISHED
- Conduct Issue 7 - Category 3 - Breach of Section 8.3 – ESTABLISHED
- Conduct Issue 8 - Category 3 - Breach of Section 8.11 – ESTABLISHED
- Conduct Issue 9 - Category 3 - Breach of Section 8.5 – ESTABLISHED
- Conduct Issue 10 - Category 3 - Breach of Section 8.6 – ESTABLISHED
- Conduct Issue 11 - Category 2 - Breach of Section 8.4 – 40TF(2)(k)
- Conduct Issue 12 - Category 2 - Breach of Section 8.3 – NOT ESTABLISHED

Investigating member:	s47E(c)		
Rank:	Detective Snr. Constable	AFP Number:	s47E(c)
Signature:	s47E(c)	Date:	29/04/2022

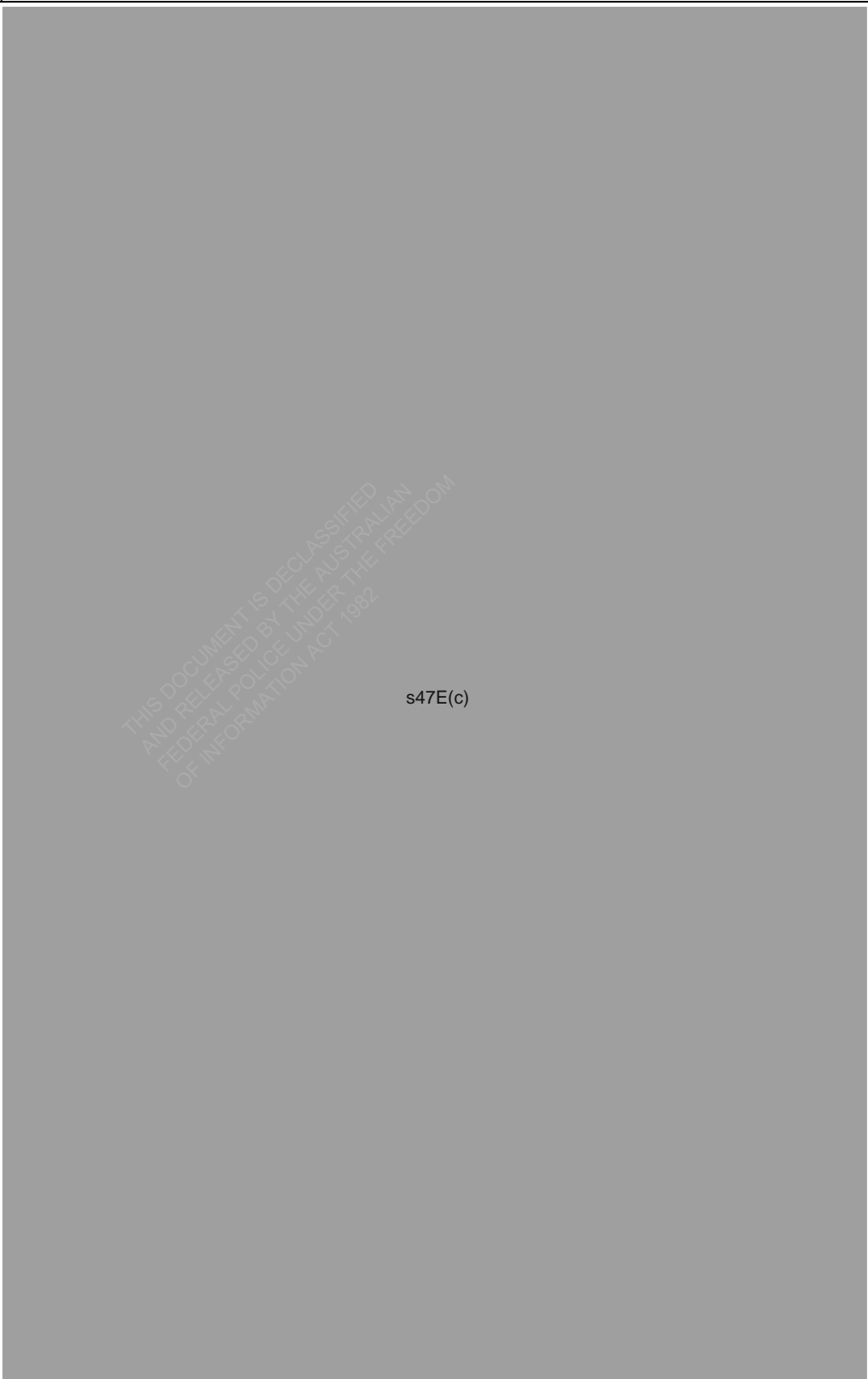
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Annexures

Annexure 1	PRS Sergeant Comments
Annexure 2	PRS Superintendent Comments
Annexure A.	
Annexure B.	
Annexure C.	
Annexure D.	
Annexure E.	
Annexure F.	
Annexure H.	
Annexure I.	
Annexure J.	
Annexure K.	
Annexure L.	
Annexure M.	
Annexure N.	
Annexure O.	
Annexure P.	
Annexure Q.	
Annexure R.	
Annexure S.	
Annexure T.	
Annexure U.	
Annexure V.	
Annexure W.	
Annexure X.	
Annexure Y.	
Annexure Z.	
Annexure AA.	

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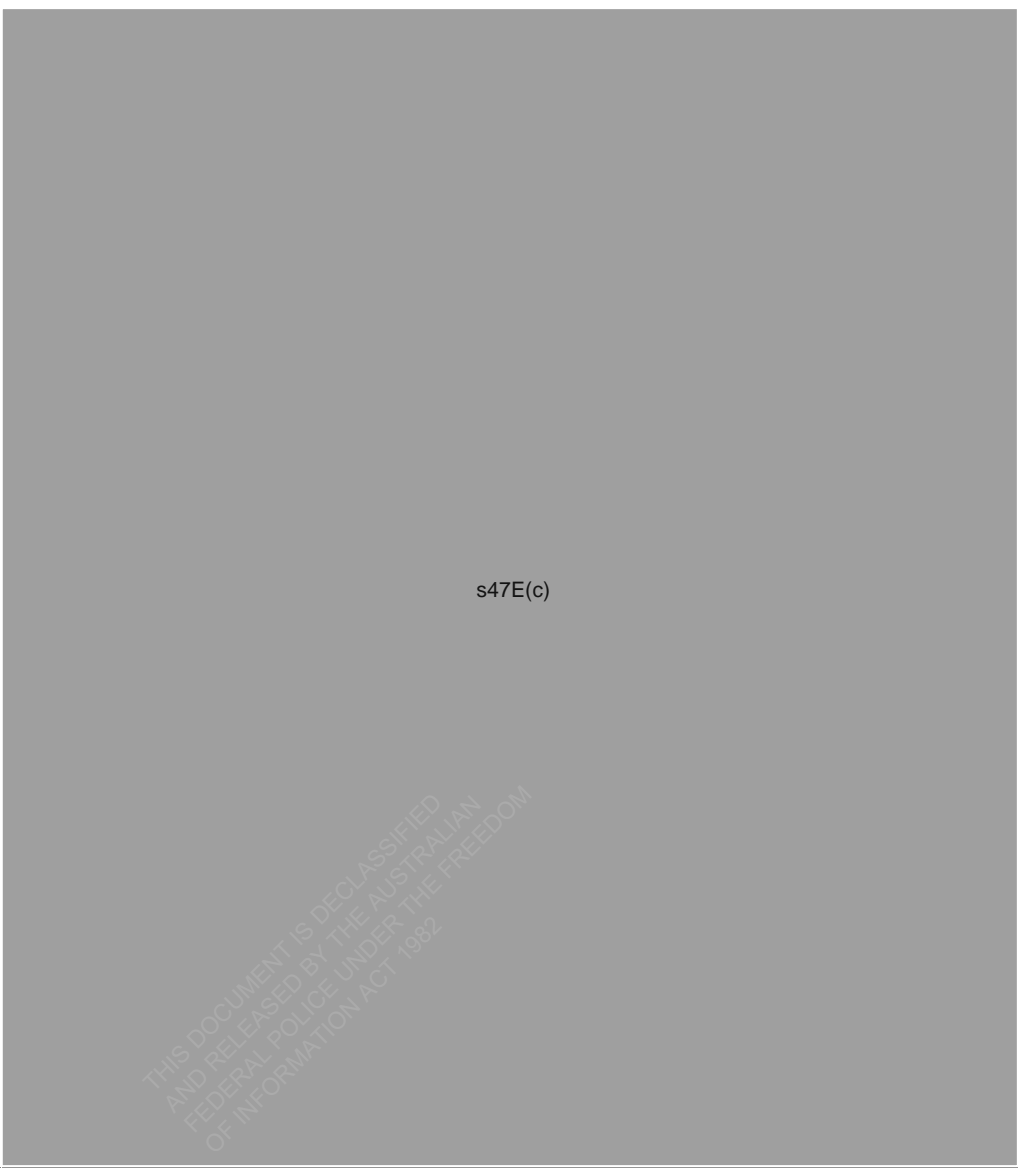
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- Annexure BB.
- Annexure CC.
- Annexure DD.
- Annexure EE.
- Annexure FF.
- Annexure GG.
- Annexure HH.
- Annexure II.
- Annexure JJ.
- Annexure KK.
- Annexure LL.
- Annexure MM.
- Annexure NN.
- Annexure OO.
- Annexure PP.
- Annexure QQ.
- Annexure RR.
- Annexure SS.
- Annexure TT.



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ANNEXURE A2

Sergeant Post Natural Justice Response Comments

Yes

No

Do you have a Conflict of Interest, (actual, potential and/or perceived) in relation to the persons (subjects and/or complainant/s) who are involved with this investigation report?

[Redacted content]

s47E(c)

s47E(c)

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Name:	s47E(c)		
Rank:	D/Sgt s47E(c)	AFP Number:	s47E(c)
Signature:	s47E(c)	Date:	11 May 2022

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ANNEXURE B2

Superintendent Finding of Fact Determination			
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Do you have a Conflict of Interest, (actual, potential and/or perceived) in relation to the persons (subject(s) and/or complainant/s) who are involved with this Investigation Report?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Does the NJR provided raise any other avenues of investigation or enquiry?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Do the pre NJR findings require review?	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Are the findings, conclusion and recommendations made by the investigator sound, appropriate and do you support them? (If not: attach report).	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	s47E(c)	
Notes / Comments			
Comments on Investigation			
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Rank & Name:	D/A/Superintendent s47E(c)		
Position:	a/SPRSO	AFP Number:	s47E(c)

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Signature:	s47E(c)	Date:	13 May 2022
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Professional Standards

GPO Box 401 Canberra City ACT 2601
Telephone 02 6131 3000
www.afp.gov.au
ABN 17 864 931 143

Ref: CRAMS: 10445
PROMIS Integrity: 97727

s47E(c)

Notification Outcome of a Professional Standards Investigation

As you are aware, AFP Professional Standards (PRS) has conducted an investigation under Part V of the *Australian Federal Police Act 1979* into complaints against you. The facts, evidence and your Natural Justice Response were considered and on the balance of probabilities it has been established that:

1	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP. <p>If any of the above breaches are established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
2	<p>s47E(c)</p>	<p>Not Established</p> <p>Category 3</p>

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	<p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP. <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	
3	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP. <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
4	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; and/or <p>If the above breach is established the conduct could constitute a corruption issue.</p>	<p>Established</p> <p>Corruption Issue</p>
5	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p>	<p>Established</p> <p>Category 3</p>

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	<ul style="list-style-type: none">Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	
6	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
7	<p>s47E(c), s47F</p> <p>If the above conduct is established this may amount to a breach of:</p> <p>Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; and/or</p> <p>If any of the above breaches are established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
8	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP.	<p>Established</p> <p>Category 3</p>

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	If the above breach is established the conduct could constitute Category 3 conduct.	
9	<p style="text-align: center;">s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">• Section 8.5 of the AFP Code of Conduct, namely, an AFP appointee must comply with all Australian laws. For this purpose, Australian law means any:<ul style="list-style-type: none">○ Act, or any instrument made under an Act○ law of a state or territory, including any instrument made under such a law. <p>If any of the above breach is established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
10	<p style="text-align: center;">s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">• Section 8.6 of the AFP Code of Conduct, namely, an AFP appointee must comply with any lawful direction given by a person, or for any other improper purpose. <p>If the above breach is established the conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
11	<p style="text-align: center;">s47E(c)</p> <p>If any of the above conduct is established this may amount to a breach of:</p>	<p>40TF(2)k</p> <p>Category 2</p>

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	<ul style="list-style-type: none">Section 8.4 of the AFP Code of Conduct in that an AFP appointee must act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties; and/or <p>If any of the above breaches are established the conduct could constitute Category 2 conduct.</p>	
12	<p>s47E(c)</p> <p>If the above conduct is established this may amount to a breach of:</p> <ul style="list-style-type: none">Section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must act with honesty and propriety in the course of AFP duties; <p>If the above breach is established the conduct could constitute Category 2 conduct.</p>	<p>Not Established</p> <p>Category 2</p>

The Finding of Fact Investigation Report took into account all of the information collected which made up the proposed finding report along with your natural justice response (NJR) which you provided. In that NJR you provided a response to each allegation and in some cases some additional supporting material all of which have been carefully considered and PRS have responded to each claim.

s47E(c)

1.

2.

s47E(c)

3.

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4.

5.

s47E(c)

This matter is now finalised.

s47E(c)

s47E(c)

As outlined at section 18.3 of CO2, your established matter may be disclosed in the future for various purposes, including: assessing suitability for ceremonial and recognition considerations; deployment; recruitment processes; general matters concerning the interests of the AFP or Commonwealth; or for reasons otherwise authorised by law etc. This may also include disclosure for Court purposes, where you may be called as a prosecution witness.

You should note the secrecy provisions under s60A of the AFP Act still apply and you cannot make a record, divulge or communicate to any other person except as approved by the Act or Regulations this investigation or anything relating to it with any AFP appointee or any other person unless the communication is approved by PRS. Should you require this authority please contact the allocated investigator.

If you are not satisfied with the handling of this complaint, you may raise your concerns with the Commonwealth Ombudsman, who can investigate complaints about the actions of AFP members and about AFP policies, practices and procedures. You may contact the Commonwealth Ombudsman on 1300 362 072 or at www.ombudsman.gov.au.

If you have any further questions regarding this matter, I can be contacted on

s47E(c)

or

s47E(c)

s47E(c)

Detective Sergeant s47E(c)

Professional Standards

24 May 2022

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Professional Standards

GPO Box 401 Canberra City ACT 2601
Telephone 02 5126 0000
www.afp.gov.au
ABN 17 864 931 143

Ref: CRAMS: 10394
PROMIS Integrity: 97728

s47E(c)

NOTIFICATION OUTCOME OF PROFESSIONAL STANDARDS INVESTIGATION

As you are aware, AFP Professional Standards (PRS) has conducted an investigation under Part V of the *Australian Federal Police Act 1979* into complaints against you. The facts, evidence and your Natural Justice Response were considered and on the balance of probabilities it has been established that:

Conduct Issue		Investigation Outcome
1	<p>s47E(c)</p> <p>If established, the alleged conduct could constitute:</p> <ul style="list-style-type: none">a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their duties, status, power or authority as an AFP appointee in order to gain, or seek to gain, a benefit or	<p>Established</p> <p>Corrupt Conduct</p>

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2	<p>advantage for the AFP appointee, or for any other person, or for other improper purpose.</p> <p>If the above breach is established, the conduct could constitute a corruption issue.</p> <p>[Redacted]</p> <p>s47E(c)</p> <p>s47E(c) s 47E(c)</p> <p>If established, the alleged conduct could constitute:</p> <ul style="list-style-type: none">a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their 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 other improper purpose. <p>If the above breach is established, the conduct could constitute a corruption issue.</p>	<p>Established</p> <p>Corrupt Conduct</p>
3	<p>[Redacted]</p> <p>s 47E(c)</p> <p>s47E(c)</p> <p>If established, the alleged conduct could constitute:</p> <ul style="list-style-type: none">a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their 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 other improper purpose. <p>If the above breach is established, the conduct could constitute a corruption issue.</p>	<p>Established</p> <p>Corrupt Conduct</p>

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4	<p>s 47E(c)</p> <p>If established, the alleged conduct could constitute:</p> <ul style="list-style-type: none">• a serious breach of section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP. <p>If the above breach is established, the alleged conduct could constitute Category 3 conduct.</p>	<p>Established</p> <p>Category 3</p>
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The investigation considered:



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4.

s47E(c)

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s47E(c)

As outlined at section 18.3 of CO2, your established matter may be disclosed in the future for various purposes, including: assessing suitability for ceremonial and recognition considerations; deployment; recruitment processes; general matters concerning the interests of the AFP or Commonwealth; for reasons otherwise authorised by law etc. This may also include disclosure for Court purposes, where you may be called as a prosecution witness.

You should note the secrecy provisions under s60A of the AFP Act still apply and you cannot make a record, divulge or communicate to any other person except as approved by the Act or Regulations this investigation or anything relating to it with any AFP appointee or any other person unless the communication is approved by PRS. Should you require this authority please contact the allocated investigator.

If you are not satisfied with the handling of this complaint, you may raise your concerns with the Commonwealth Ombudsman, who can investigate complaints about the actions of AFP members and about AFP policies, practices and procedures.

You may contact the Commonwealth Ombudsman on 1300 362 072 or at www.ombudsman.gov.au.

s47E(c)

D/LSC s47E(c)

Professional Standards – Southern Command

28 March 2022

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Professional Standards
Finding of Fact
Investigation Report

PROMIS PRS:	97728	CRAMS:	10394
--------------------	--------------	---------------	--------------

Appointee Name:	s47E(c)	AFP Number:	s 47E(c)
Title / Rank:	Federal Agent	Band Level:	3.5
Work Area:	s47E(c)		
Career Synopsis:	s47E(c)		

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Conduct Issues:		Finding:
1	<p>s47E(c) ed Federal Agent s47E(c) engaged in corrupt conduct namely:</p> <div style="background-color: #cccccc; height: 150px; margin: 10px 0;">s 47E(c)</div> <p>If established, the alleged conduct could constitute:</p> <ul style="list-style-type: none"> a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their duties, status, power or authority as an AFP appointee in order to gain, or 	<p>Established Corruption Issue</p>

<p>2</p>	<p>seek to gain, a benefit or advantage for the AFP appointee, or for any other person, or for other improper purpose.</p> <p>If the above breach is established, the conduct could constitute a corruption issue.</p> <p>It is alle ed Federal Agent [redacted] s47E(c) [redacted] engaged in corrupt conduct namely:</p> <p>[redacted] s47E(c)</p> <p>If established, the alleged conduct could constitute:</p> <ul style="list-style-type: none">• a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their 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 other improper purpose. <p>If the above breach is established, the conduct could constitute a corruption issue.</p>	<p>Established Corruption Issue</p>
<p>3</p>	<p>It is alle ed Federal Agent [redacted] s47E(c) [redacted] engaged in corrupt conduct namely:</p> <p>[redacted] s47E(c)</p> <p>If established, the alleged conduct could constitute:</p> <ul style="list-style-type: none">• a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their 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 other improper purpose. <p>If the above breach is established, the conduct could constitute a corruption issue.</p>	<p>Established Corruption Issue</p>

It is alleged Federal Agent [redacted] s47E(c) engaged in conduct that seriously breaches Commissioner's Order 2 on Professional Standards namely:

a)

b)

c)

d)

s47E(c)

**Established
Category 3**

4

If established, the alleged conduct could constitute:

- A serious breach of section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP.

If the above breach is established, the alleged conduct could constitute Category 3 conduct.

1. Complaint Background

- 1.1 On [redacted] s 47E(c) 2019, a complaint was raised regarding the alleged conduct of Federal Agent [redacted] s47E(c). In summary the complaint stated:

[Redacted]

s47E(c)

1.2

[Redacted]

s47E(d)

1.3

[Redacted]

s47E(c)

1.4

[Redacted]

s47E(c)

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1.5

[Redacted]

s47E(d)

1.6

[Redacted]

s47E(c)

1.7

[Redacted]

s47E(c)

1.8

[Redacted]

s47E(c)

1.9

s47E(c)

2. Conduct Issue 1

2.1 Allegation

2.2 It is alleged Federal Agent [REDACTED] s47E(c) engaged in corrupt conduct namely:

a)

b)

s 47E(c)

If established, the alleged conduct could constitute:

- a breach of section 8.3 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their 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 other improper purpose.

If the above breach is established, the conduct could constitute a corruption issue.

2.3 Findings of fact

2.4 Uncontested evidence

2.5

s 47E(c)

s47E(d)

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s47E(c)

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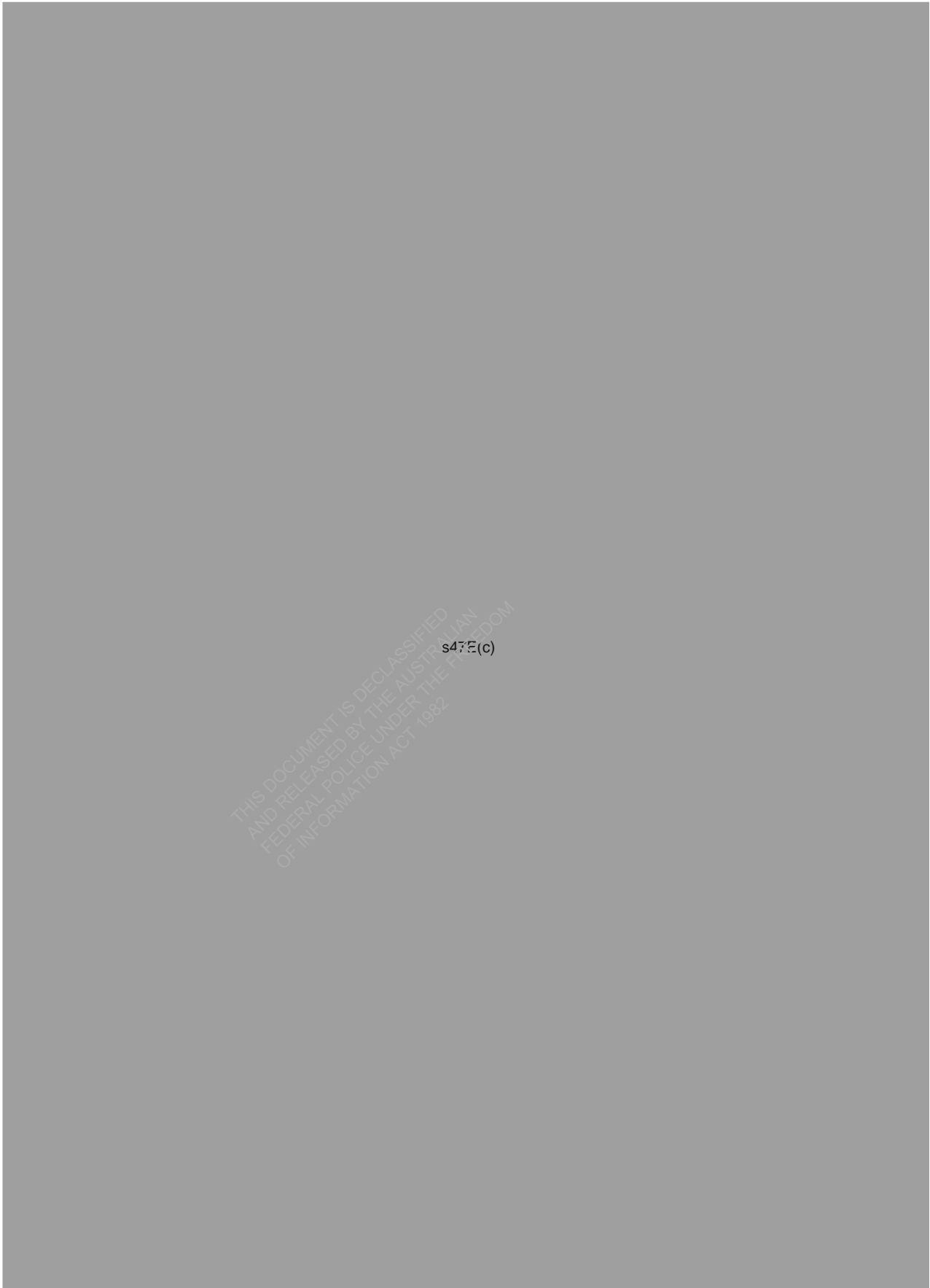
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- ¹ Annexure C:
- ² Annexure D:
- ³ Annexure E:
- ⁴ Annexure F:



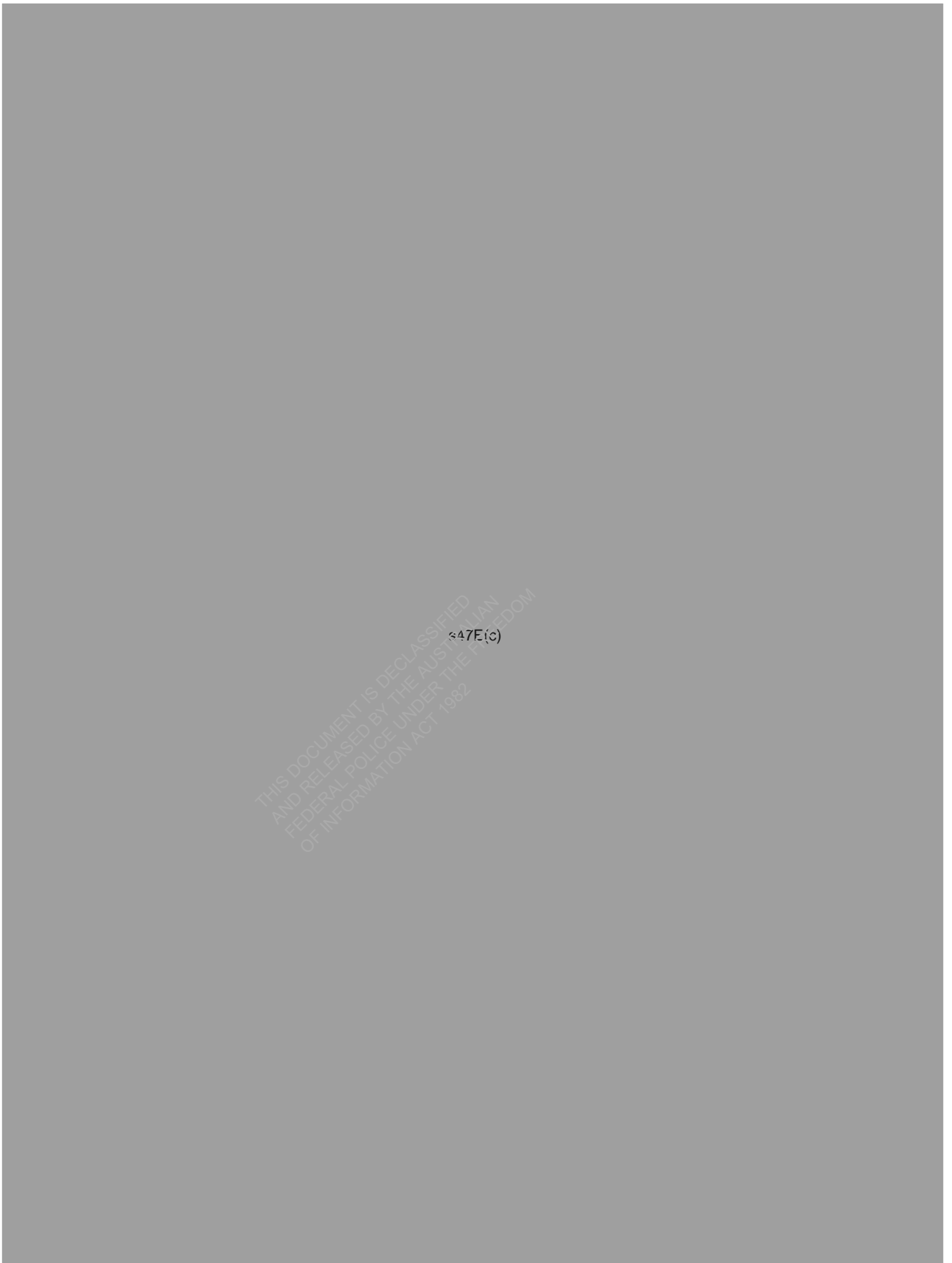
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2.11

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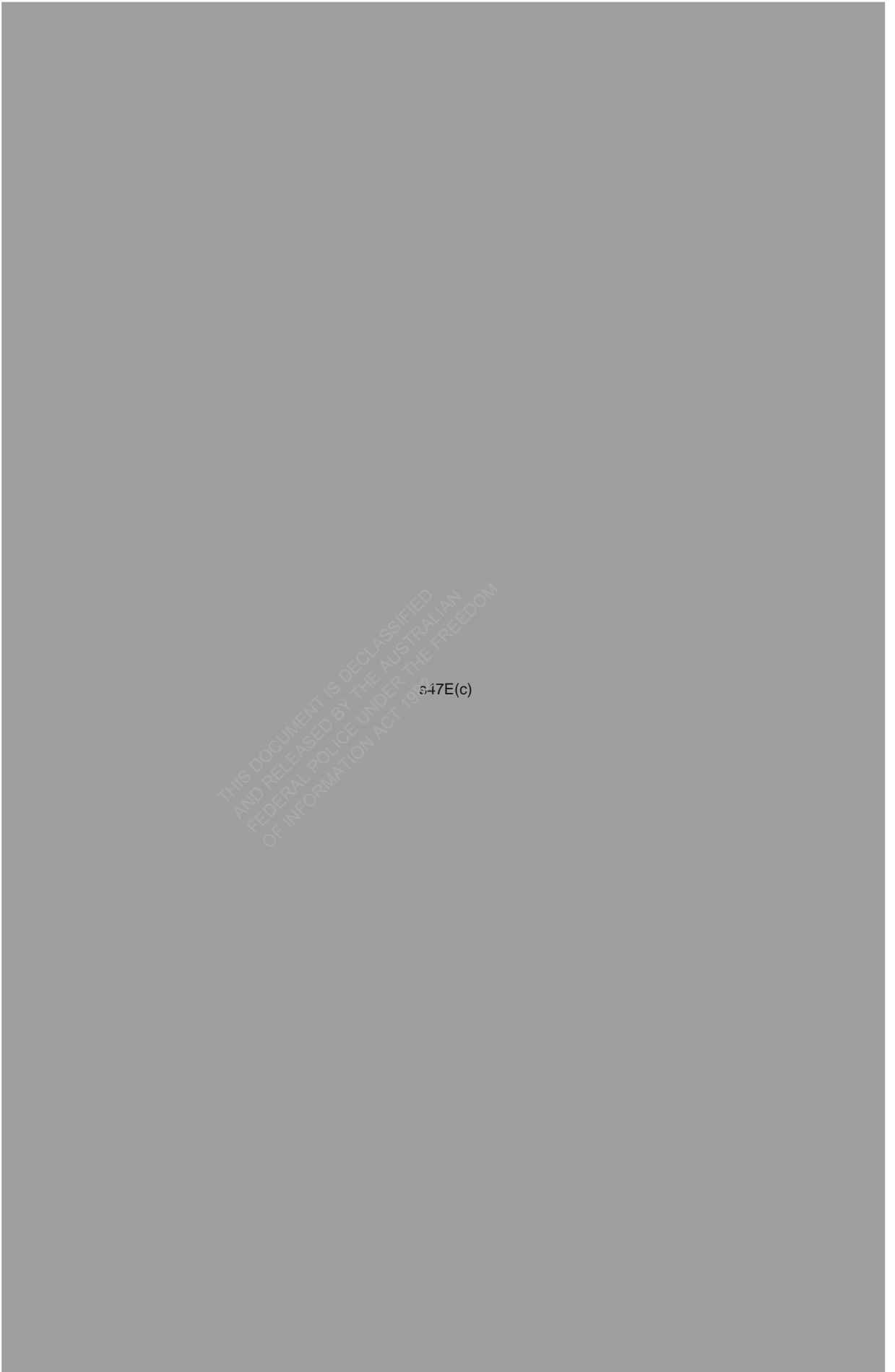
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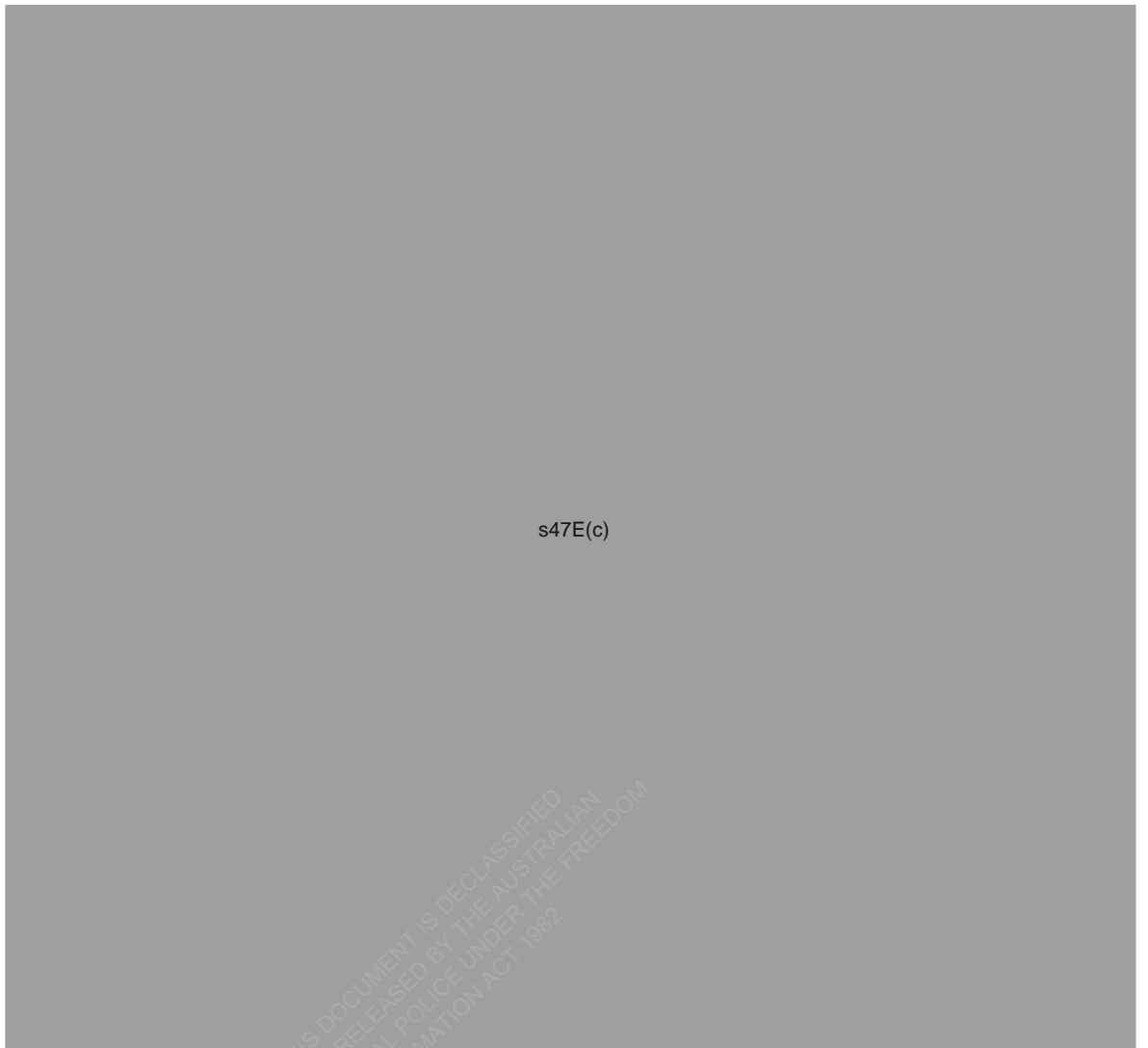
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⁵ Annexure G: [redacted]
⁶ Annexure H: [redacted]



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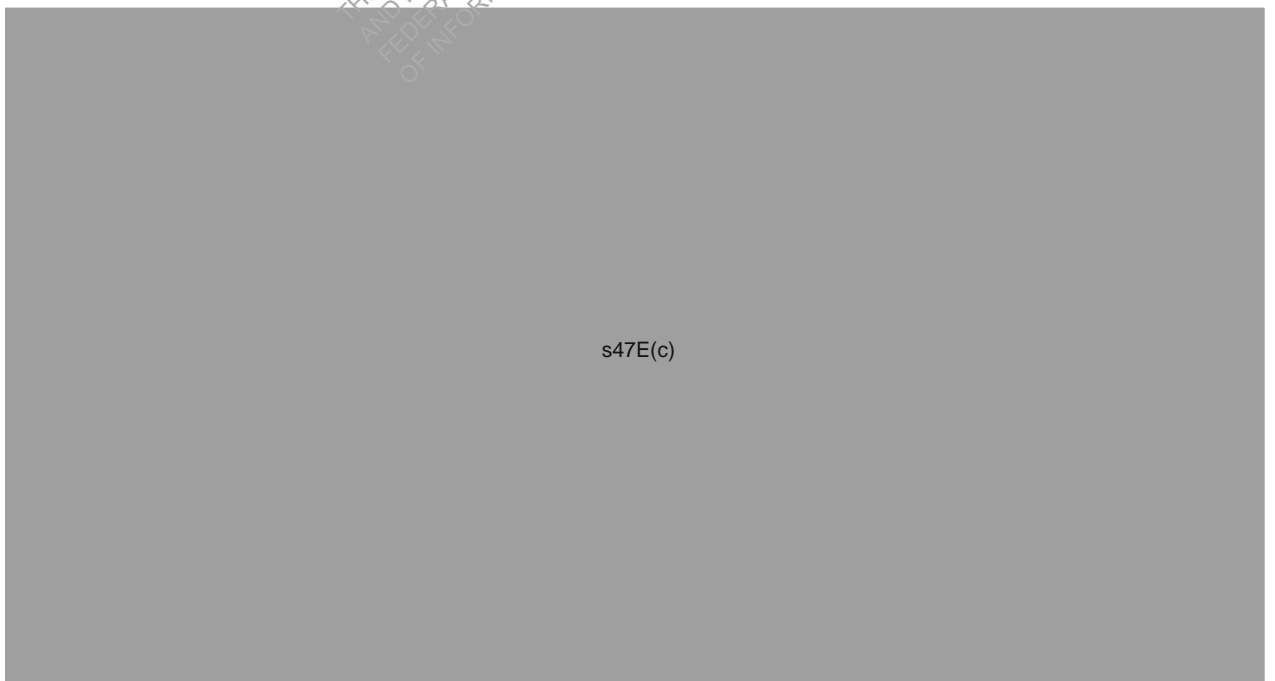
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2.12



s47E(c)

2.13 Contested evidence

2.14

s47E(c)

2.15 **Other findings relevant to the investigation**

2.16

s47E(c)

2.17 **Findings on AFP Code of Conduct**

2.18 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.8 which provides: *an AFP appointee must not improperly use their 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.*

2.19 Section 8.8 of the AFP Code of Conduct provides for a varying range of scenarios that include but are not limited to, gaining a benefit as a result of one's duties.

s47E(c)

2.20

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2.21

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2.23

s47E(c)

⁷ Annexure I: s47E(c)

2.2

s47E(c)

2.2

2.26 It is the view of the investigating officer F/A [REDACTED] s47E(c) [REDACTED] breached section 8.8 of the AFP Code of Conduct. As such, it is recommended Conduct Issue one is **Established.**

2.27 **Findings on Categorisation**

2.28 Relevant to Conduct Issue one, section 6 of the *LEIC Act* 2006 provides the following meaning of "engages in corrupt conduct":

(1) For the purposes of this Act, a staff member of a law enforcement agency *engages in corrupt conduct* if the staff member, while a staff member of the agency, engages in:

- a) conduct that involves, or that is engaged in for the purpose of, the staff member **abusing his or her office** as a staff member of the agency; or
- b) conduct that perverts, or that is engaged in for the purpose of perverting, the course of justice; or

- c) conduct that, having regard to the duties and powers of the staff member as a staff member of the agency, involves, or is engaged in for the purpose of, corruption of any other kind.

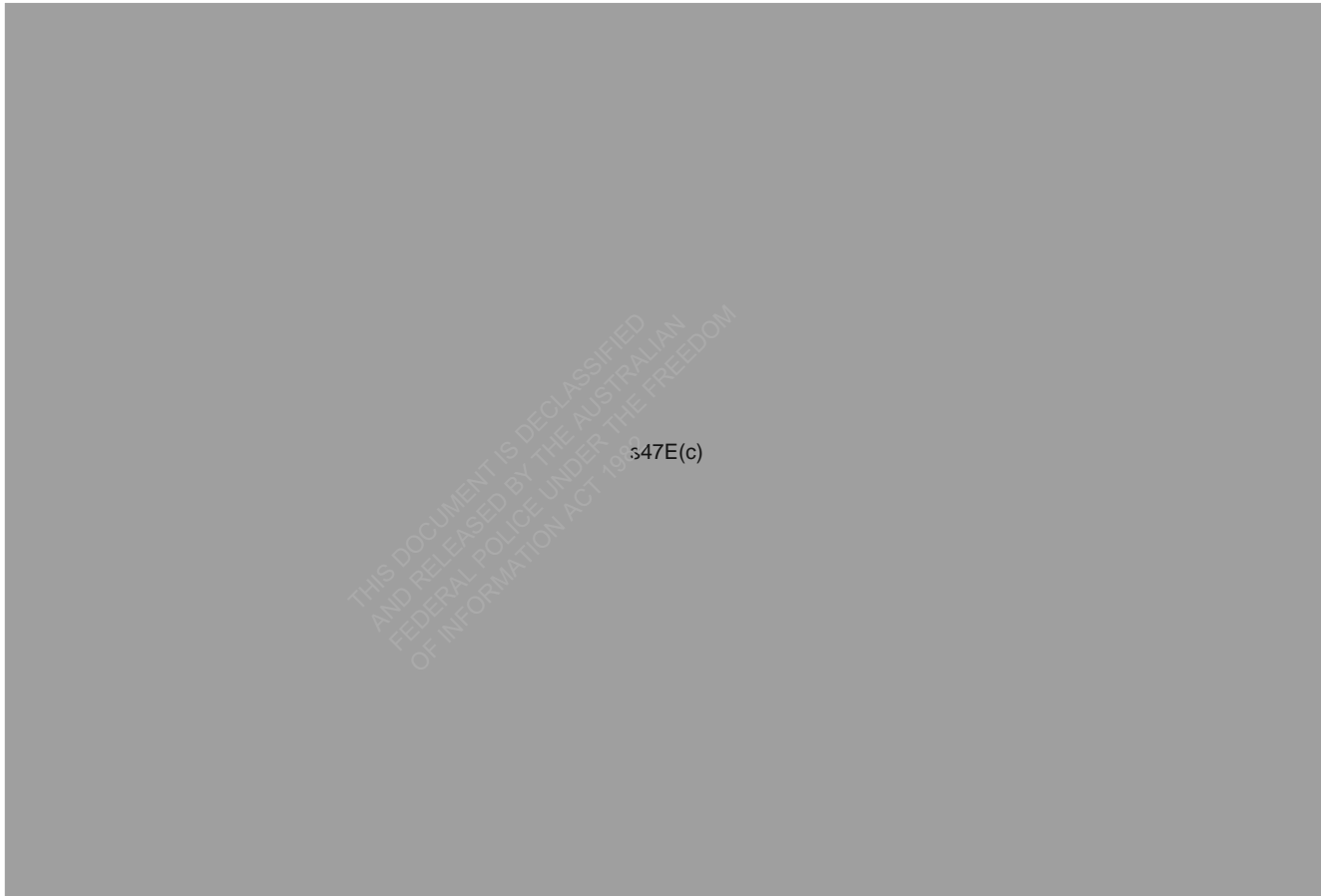
2.29 Section 7 of the *LEIC Act 2006* defines the meaning of a "corruption issue" as an issue whether a person who is, or has been a staff member of a law enforcement agency:

- a) has, or may have, **engaged in corrupt conduct**; or
- b) is, or may be, engaging in corrupt conduct; or
- c) will, or may at any time in the future, engage in corrupt conduct.

2.3

2.3

2.32



⁸ Macquarie Dictionary

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s 47E(c)

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2.36 Conclusion

2.37 I conclude that, on the balance of probabilities:

(a)

(b)

s 47E(c)

(c)

(d)

- 2.38** I am satisfied that F/A [redacted] s47E(c) conduct amounts to a breach of section 8.8 of the AFP Code of Conduct
- 2.39** I am also satisfied that F/A [redacted] s47E(c) conduct is a corruption issue in accordance with section 6 of the LEIC Act.
- 2.40** It is recommended that Conduct Issue one be **Established** as a **Corruption Issue**.

3. Conduct Issue 2

3.1 Allegation

- 3.2** It is alleged Federal Agent [redacted] s47E(c) engaged in corrupt conduct namely:

[redacted] s 47E(c)

If established, the alleged conduct could constitute:

- a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their 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 other improper purpose.

If the above breach is established, the conduct could constitute a corruption issue.

3.3 Findings of fact

3.4 Uncontested evidence

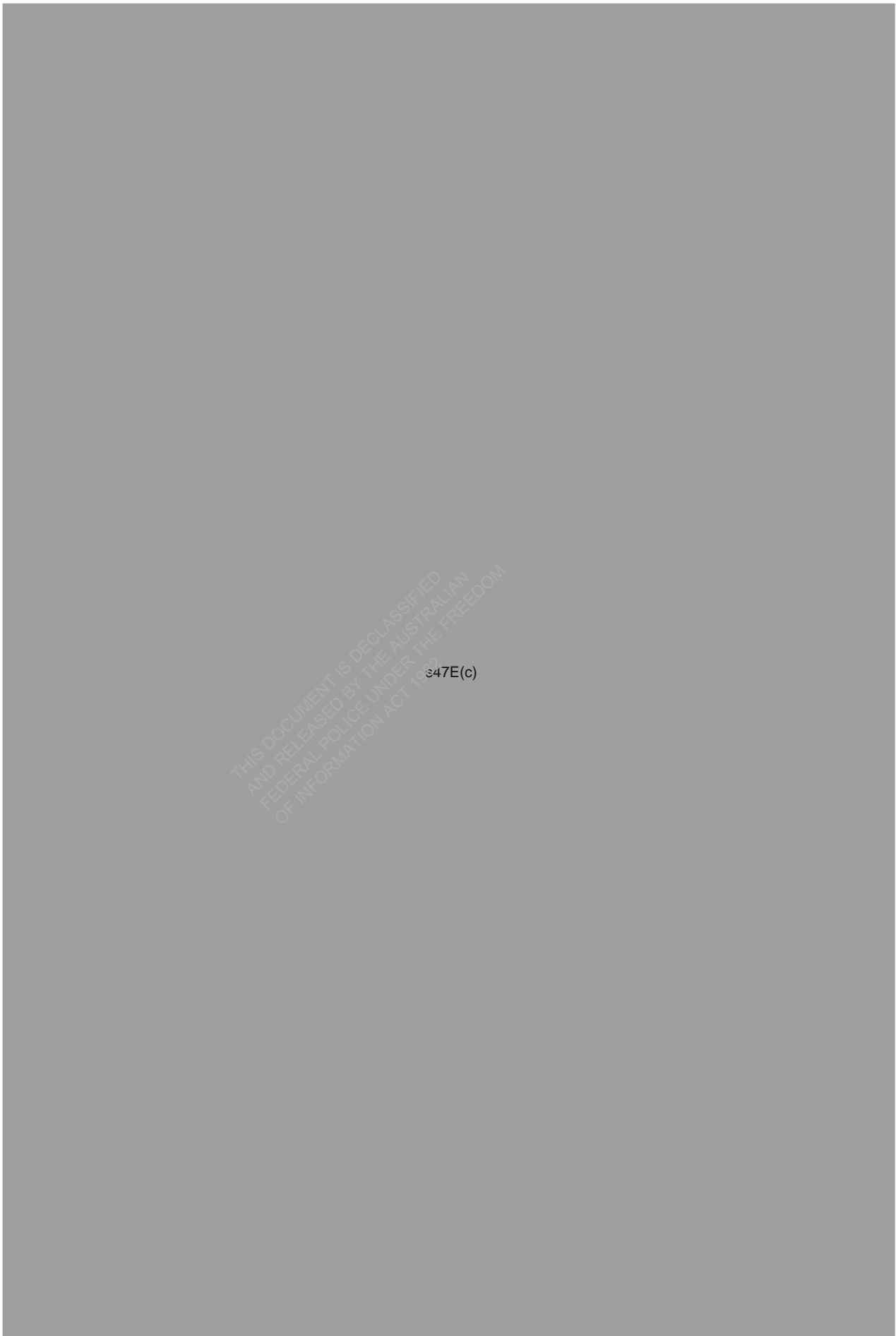
3.5

[redacted] s47E(c)

3.6

⁹ Annexure J [redacted] s47E(c)

3.7



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§47E(c)

• [Redacted] s47E(c)

3.8

[Redacted] s47E(c)

[Redacted]

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s47E(c)

3.9 Contested evidence

3.10

[Redacted] s47E(c)

¹⁰ Annexure H: [Redacted] s47E(c)

s47E(c)

3.11 Other findings relevant to the investigation

3.12 Findings on AFP Code of Conduct

3.13 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.8 which provides: *an AFP appointee must not improperly use their 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.*

3.14 Section 8.8 of the AFP Code of Conduct provides for a varying range of scenarios that include but are not limited to, gaining a benefit as a result of one's duties.

s47E(c)

3.15

s47E(c)

3.1

s47E(c)

3.17

s47E(c)

3.18

3.19 It is the view of the investigating officer F/A [REDACTED] s47E(c) breached section 8.8 of the AFP Code of Conduct. As such, it is recommended Conduct Issue two is **Established**.

3.20 **Findings on Categorisation**

3.21 Relevant to Conduct Issue one, section 6 of the *LEIC Act* 2006 provides the following meaning of "engages in corrupt conduct":

(1) For the purposes of this Act, a staff member of a law enforcement agency *engages in corrupt conduct* if the staff member, while a staff member of the agency, engages in:

- a) conduct that involves, or that is engaged in for the purpose of, the staff member **abusing his or her office** as a staff member of the agency; or
- b) conduct that perverts, or that is engaged in for the purpose of perverting, the course of justice; or
- c) conduct that, having regard to the duties and powers of the staff member as a staff member of the agency, involves, or is engaged in for the purpose of, corruption of any other kind.

3.22 Section 7 of the *LEIC Act* 2006 defines the meaning of a "corruption issue" as an issue whether a person who is, or has been a staff member of a law enforcement agency:

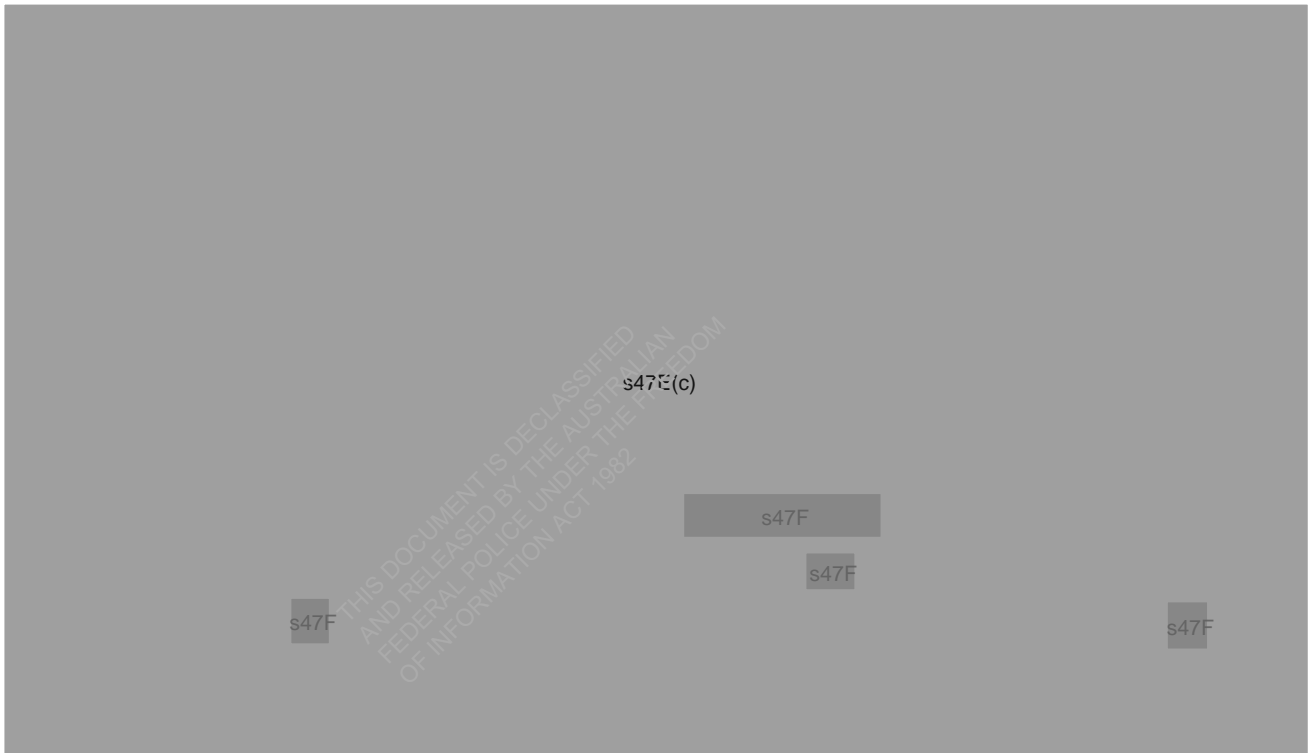
- a) has, or may have, **engaged in corrupt conduct**; or
- b) is, or may be, engaging in corrupt conduct; or

c) will, or may at any time in the future, engage in corrupt conduct.

3.23 The *LEIC Act* does not explicitly define corruption, however, adopting the dictionary's definition¹¹, it may be defined as:

- the state of being corrupt;
- moral perversion;
- **perversion of integrity;**
- corrupt or dishonest proceedings;
- bribery;
- any corrupting influence or agency.

3.24

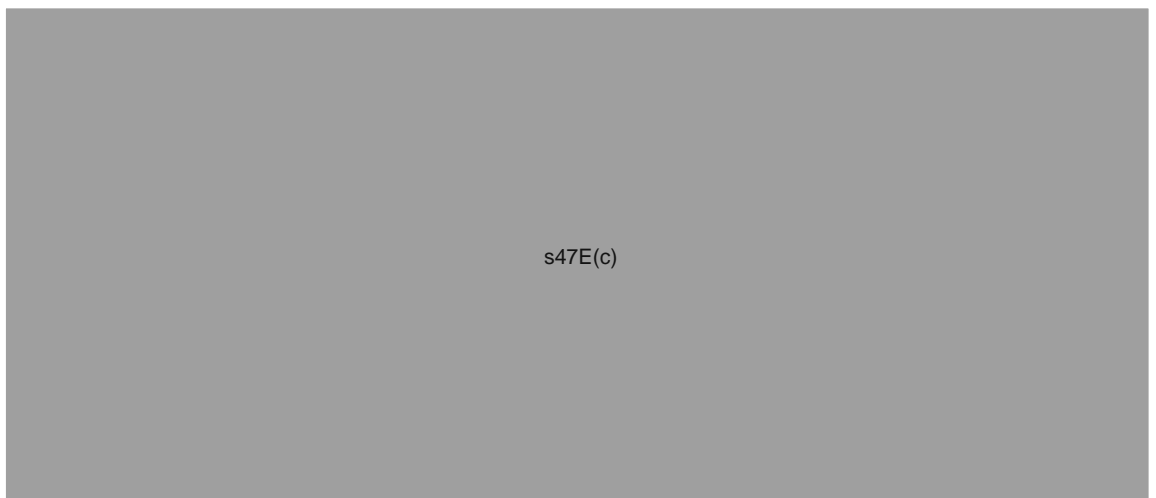


3.25

3.26 Conclusion

3.27 I conclude that, on the balance of probabilities:

- (a)
- (b)
- (c)
- (d)



¹¹ Macquarie Dictionary

(e)

s47E(c)

3.28 I am satisfied that F/A s47E(c) conduct amounts to a breach of section 8.8 of the AFP Code of Conduct.

3.29 I am also satisfied that F/A s47E(c) conduct is a corruption issue in accordance with section 6 of the LEIC Act.

3.30 It is recommended that Conduct Issue two be **Established** as a **Corruption Issue**.

4. Conduct Issue 3

4.1 Allegation

4.2 It is alleged Federal Agent s47E(c) engaged in corrupt conduct namely:

•

s47E(c)

If established, the alleged conduct could constitute:

- a breach of section 8.8 of the AFP Code of Conduct, namely, an AFP appointee must not improperly use their 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 other improper purpose.

If the above breach is established, the conduct could constitute a corruption issue.

4.3 Findings of fact

4.4 Uncontested evidence

4.5

s47E(c)

¹² Annexure K:

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4.6 In

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divided:

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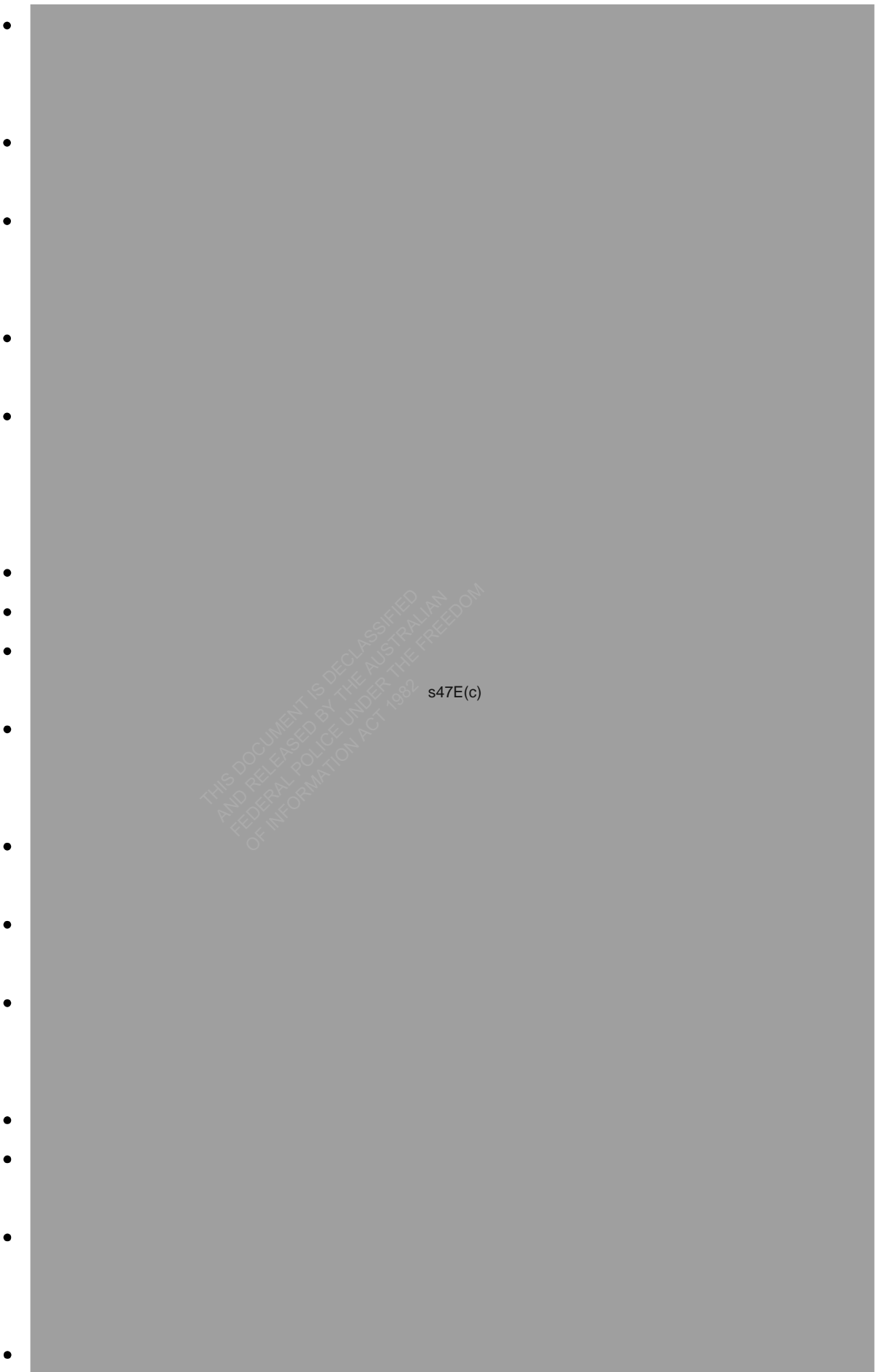
4.12

s47E(c)

¹³ Annexure K:

¹⁴ Annexure H

s47E(c)



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s47E(c)

- [Redacted] s47E(c)

4.13 Contested evidence

- 4.1** [Redacted] s47E(c)

4.15 Other findings relevant to the investigation

- 4.16** [Redacted] s47E(c)

4.17 Findings on AFP Code of Conduct

4.18 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.8 which provides: *an AFP appointee must not improperly use their 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.*

4.19 Section 8.8 of the AFP Code of Conduct provides for a varying range of scenarios that include but are not limited to, gaining a benefit as a result of one's duties.

During F/A [Redacted] s47E(c)

- [Redacted]
- [Redacted]
- [Redacted] s47E(c)
- [Redacted]
- [Redacted]

4.20 [Redacted] s47E(c)

[Redacted] s47E(c)

s47E(c)

4.21

s47E(c)

4.22

s47E(c)

4.23 It is the view of the investigating officer, F/A [REDACTED] s47E(c) breached section 8.8 of the AFP Code of Conduct. As such, it is recommended Conduct Issue three is **Established**.

4.24 **Findings on Categorisation**

4.25 Relevant to Conduct Issue one, section 6 of the *LEIC Act* 2006 provides the following meaning of "engages in corrupt conduct":

(1) For the purposes of this Act, a staff member of a law enforcement agency *engages in corrupt conduct* if the staff member, while a staff member of the agency, engages in:

- a) conduct that involves, or that is engaged in for the purpose of, the staff member **abusing his or her office** as a staff member of the agency; or
- b) conduct that perverts, or that is engaged in for the purpose of perverting, the course of justice; or
- c) conduct that, having regard to the duties and powers of the staff member as a staff member of the agency, involves, or is engaged in for the purpose of, corruption of any other kind.

4.26 Section 7 of the *LEIC Act* 2006 defines the meaning of a "corruption issue" as an issue whether a person who is, or has been a staff member of a law enforcement agency:

- a) has, or may have, **engaged in corrupt conduct**; or
- b) is, or may be, engaging in corrupt conduct; or
- c) will, or may at any time in the future, engage in corrupt conduct.

4.27 The *LEIC Act* does not explicitly define corruption, however, adopting the dictionary's definition¹⁵, it may be defined as:

- the state of being corrupt;
- moral perversion;
- **perversion of integrity**;
- corrupt or dishonest proceedings;
- bribery;
- any corrupting influence or agency.

4.28



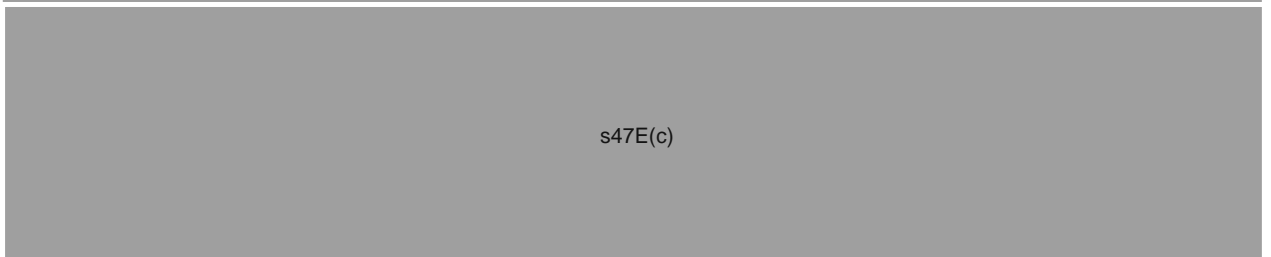
s 47E(c)

4.29



s47E(c)

4.30



s47E(c)

4.31 Conclusion

¹⁵ Macquarie Dictionary

4.32

s 47E(c)

4.33 I am satisfied that F/A [redacted] s47E(c) conduct amounts to a breach of section 8.8 of the AFP Code of Conduct.

4.34 I am also satisfied that F/A [redacted] s47E(c) conduct is a corruption issue in accordance with section 6 of the LEIC Act.

4.35 It is recommended that Conduct Issue three be **Established** as a **Corruption Issue**.

5. Conduct Issue 4

5.1 Allegation

5.2 It is alleged Federal Agent [redacted] s47E(c) engaged in conduct that seriously breached Commissioner's Order 2 on Professional Standards namely:

a

b

c

d

s 47E(c)

If established, the alleged conduct could constitute:

- A serious breach of section 8.11 of the AFP Code of Conduct, namely, an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP.

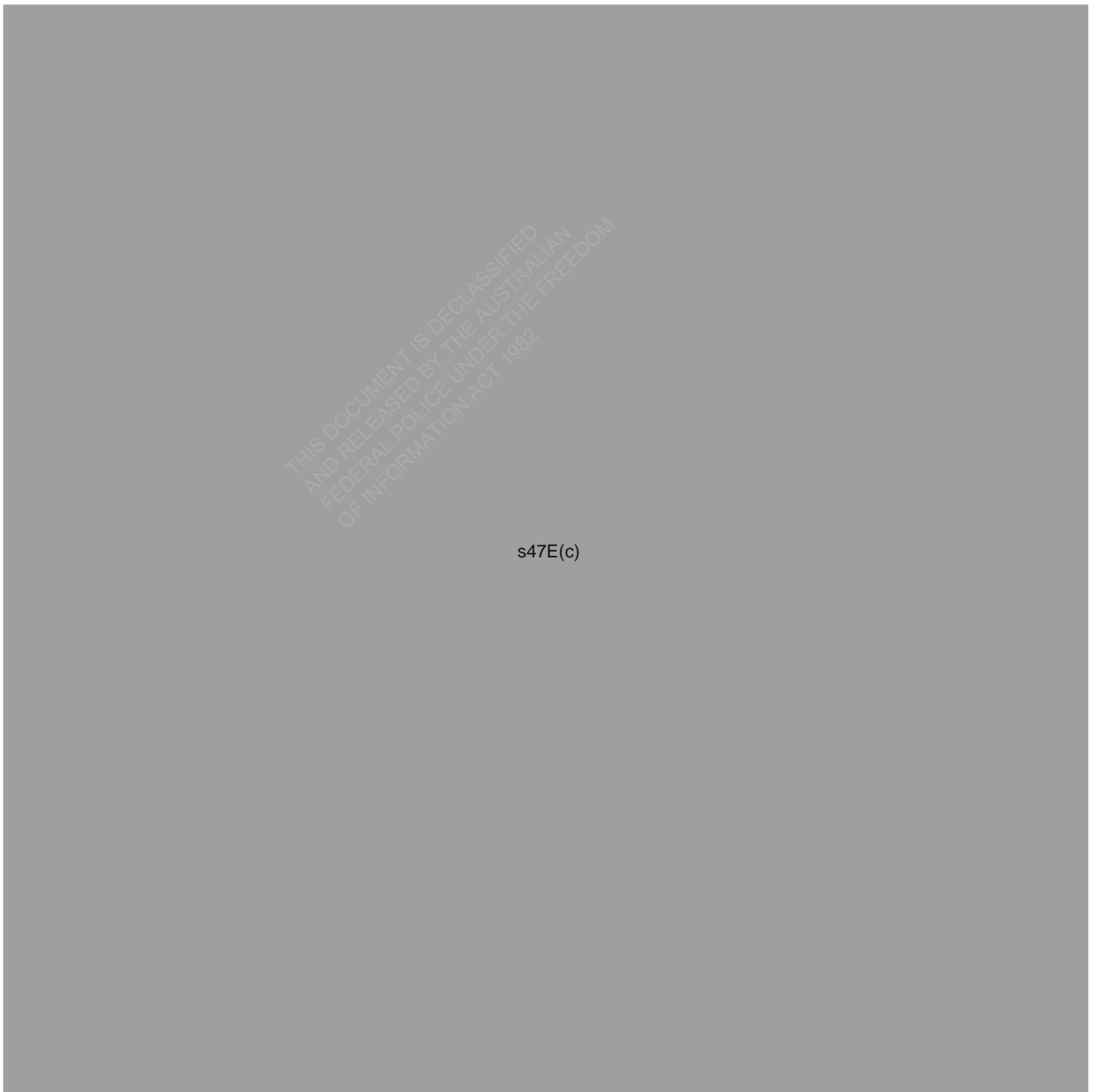
If the above breach is established, the alleged conduct could constitute Category 3 conduct.

5.3 Findings of fact

5.4 Uncontested evidence

Part A

5.5



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5.6

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¹⁶ Annexure H:

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Part B

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Part C

5.11

s47E(c)

¹⁷ Annexure H:

s47E(c)

- [Redacted]
- [Redacted]
- [Redacted]

s47E(c)

5.12

[Redacted]

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s47E(c)

¹⁸ Annexure H: [Redacted] s47E(c)

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s47E(c)

Part D

5.13

s47E(c)

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s47E(c)

¹⁹ Annexure H:

s47E(c)

- [Redacted]
- [Redacted]
- [Redacted]

5.15 Contested evidence

5.16 [Redacted] s47E(c)

- i. [Redacted]
- ii. [Redacted]
- iii. [Redacted]

5.17 Other findings relevant to the investigation

5.18 [Redacted] s47E(c)

5.19 Findings on AFP Code of Conduct

5.20 The Code is found in the *Australian Federal Police Commissioner's Orders on Professional Standards (CO2)*. The section of the Code relevant to this conduct issue is section 8.11 which provides: *an AFP appointee must behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP.*

5.21 [Redacted] s 47E(c)

5.22 [Redacted] s 47E(c)

5.23

s 47E(c)

5.24

s47E(c)

5.25 AFP appointees are expected to conduct themselves in a way that upholds the AFP Values (Integrity, Commitment, Excellence, Accountability, Fairness, Trust and Respect), the AFP Code of Conduct and the integrity and good reputation of the AFP. Integrity as defined in the AFP Code of Conduct is displayed through soundness of moral principle, honesty and sincerity. F/A [redacted] s47E(c) conduct indicates a blatant disregard to the AFP integrity framework and gives rise to a significant risk to the reputation of the AFP.

5.26 It is the view of the investigating office, F/ [redacted] s47E(c) conduct amounts to a breach of section 8.11 of the AFP Code of Conduct. As such, it is recommended Conduct Issue four is **Established**.

5.27 Findings on Categorisation

5.28 The *Australian Federal Police Categories of Conduct Determination 2013* (the Determination) provides guidance on the categorisation of conduct issues as Category 1, 2 or 3.

5.29 Relevant to Conduct Issue four, the Determination provides a matter is a Category 3 matter if it amounts to serious misconduct as defined under Part V of the Act, but does not give rise to a corruption issue. Serious misconduct is defined as being intentional, deliberate or grossly negligent conduct that demonstrates wilful or reckless indifference to the AFP Code of Conduct and/or values of the AFP, whether in the AFP appointee's official capacity or otherwise, and/or could reasonably raise a question of employment suitability. In accordance with Part V of the Act, serious misconduct may include the commission of a criminal offence.

5.30 Section 40RP of the *Australian Federal Police Act 1979* (Cth) provides:

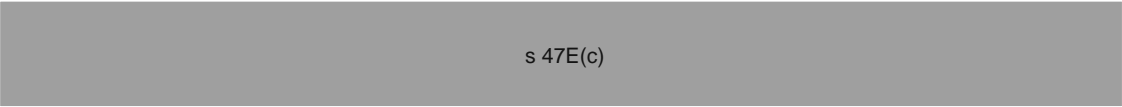
- (1)The Commissioner and the Ombudsman may determine under subsection 40RM(1) that conduct of a particular kind is to be category 3 conduct for the purposes of this Act only if they are satisfied that:
- (a) conduct of that kind:
 - (i) is serious misconduct by an AFP appointee; or
 - (ii) raises the question whether termination action should be taken in relation to an AFP appointee; or
 - (iii) involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and
 - (b) conduct of that kind does not raise a corruption issue.

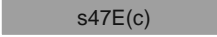
(2)Subparagraphs (1)(a)(ii) and (iii) do not limit subparagraph (1)(a)(i).

5.31 The evidence supports the position F/A [REDACTED] s47E(c) actions were intentional and evidenced a wilful and reckless indifference to the AFP Code Of Conduct for the followin reasons:

[REDACTED]





s 47E(c)

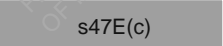
•  s 47E(c)


5.32 In isolation, the individual events detailed in allegations A, B, C or D are unlikely to rise to a level that would satisfy the *Categories of Conduct Determination 2013* definition of serious misconduct. However, viewed as a course of conduct and evidence of F/A  intentional and blatant ongoing departure from the behavioural expectations of all AFP appointees, the determination definition of serious misconduct has been satisfied.

5.33 Conclusion

5.34 I conclude that, on the balance of probabilities:

- (a) 
- (b) 
- (c) 
- (d) 

5.35 I am satisfied that F/A  conduct amounts to a breach of section 8.11 of the AFP Code of Conduct.

5.36 I am also satisfied that F/A  conduct is **Category 3** conduct in accordance with the Determination and section 40RP of the AFP Act.

5.37 I am satisfied on the balance of probabilities that Conduct Issue four is **Established**.

5.38 Natural Justice Response

5.39

s47E(c)

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5.40 In relation to Conduct Issue 1, s47E(c) submits:

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5.41 In consideration of the information provided by s47E(c) in s47E(c) NJR in relation to Conduct Issue 1, the following is provided:

- -
- s 47E(c)

²⁰ Annexure L: s47E(c) NJR on Proposed Findings

²¹ Annexure M: PRS request for further details to NJR

²² Annexure N: Response to further questions on NJR

- [Redacted]
- [Redacted]
- [Redacted]

s47E(c)

5.42 In relation to Conduct Issue 2, [Redacted] submits:

- [Redacted]
- [Redacted]
- [Redacted]

s47E(c)

5.43 In consideration of the information provided by [Redacted] in [Redacted] NJR in relation to Conduct Issue 2, the following is provided:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

s 47E(c)

5.44 In relation to Conduct Issue 3, [Redacted] submits:

- [Redacted]
- [Redacted]

s47E(c)

- [Redacted] s47E(c)
- [Redacted]

5.45 In consideration of the information provided by [Redacted] s47E(c) in [Redacted] NJR
regarding Conduct Issue 3, [Redacted] s47E(c)

[Redacted] s 47E(c)

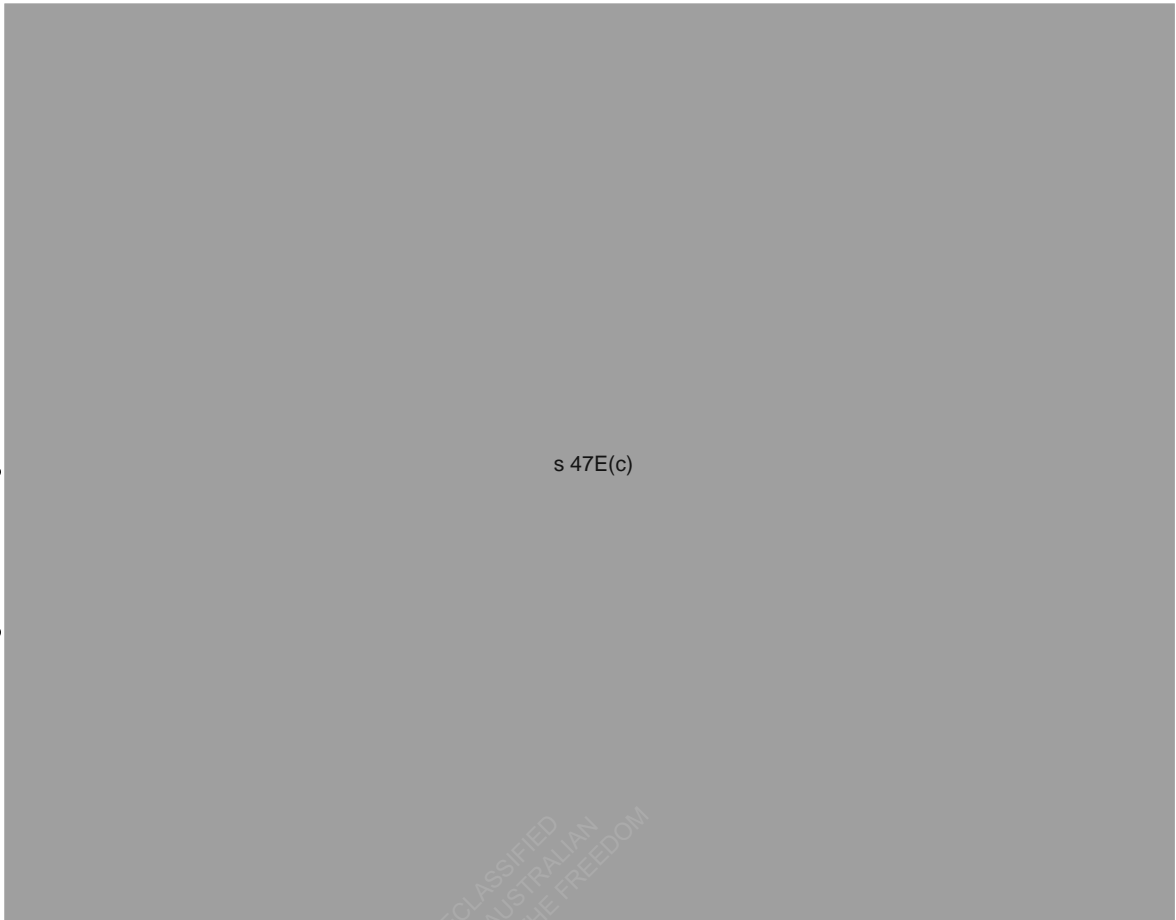
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
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- [Redacted]
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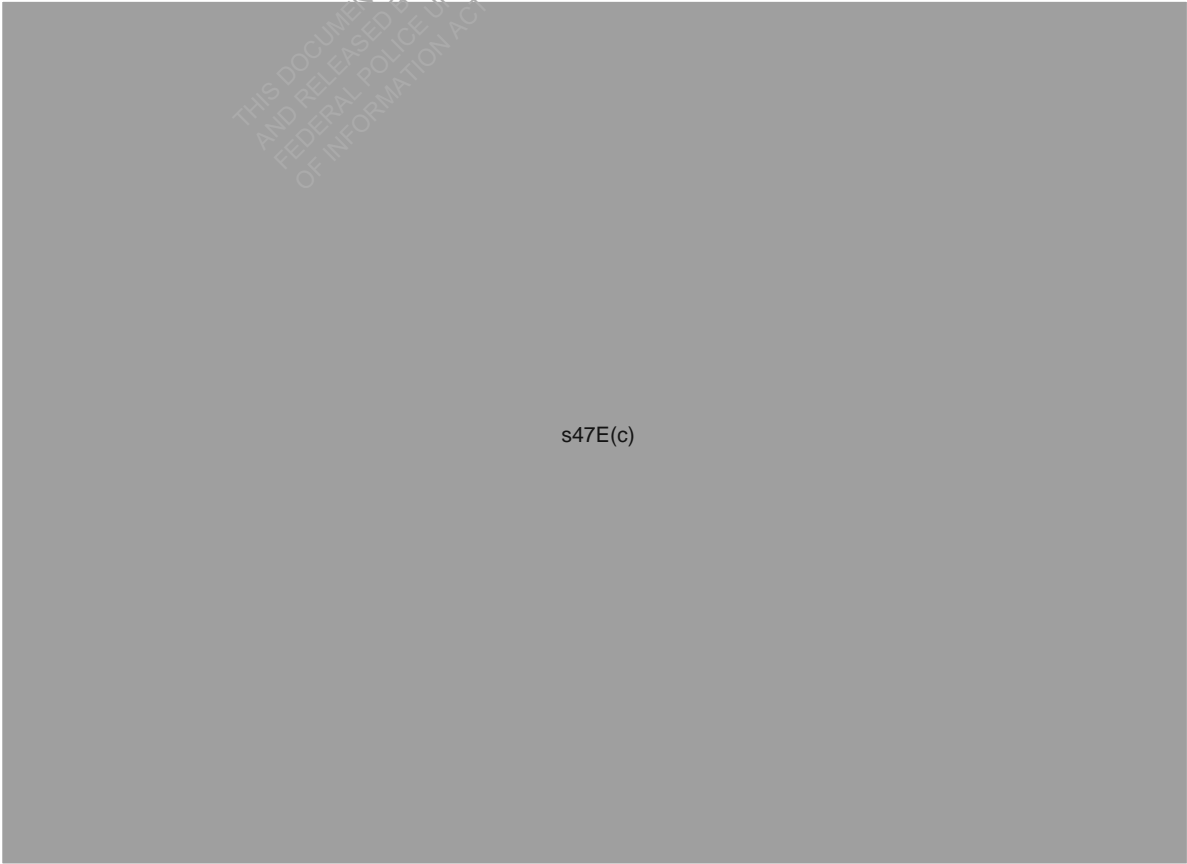
s47E(c)

5.46

[Redacted] s 47E(c)



5.47 In relation to Conduct Issue 4, s47E(c) submits:



- [Redacted] s47E(c)

5.48 In consideration of the information provided by [Redacted] s47E(c) in [Redacted] s47E(c) JR regarding Conduct Issue 4, the following is provided:

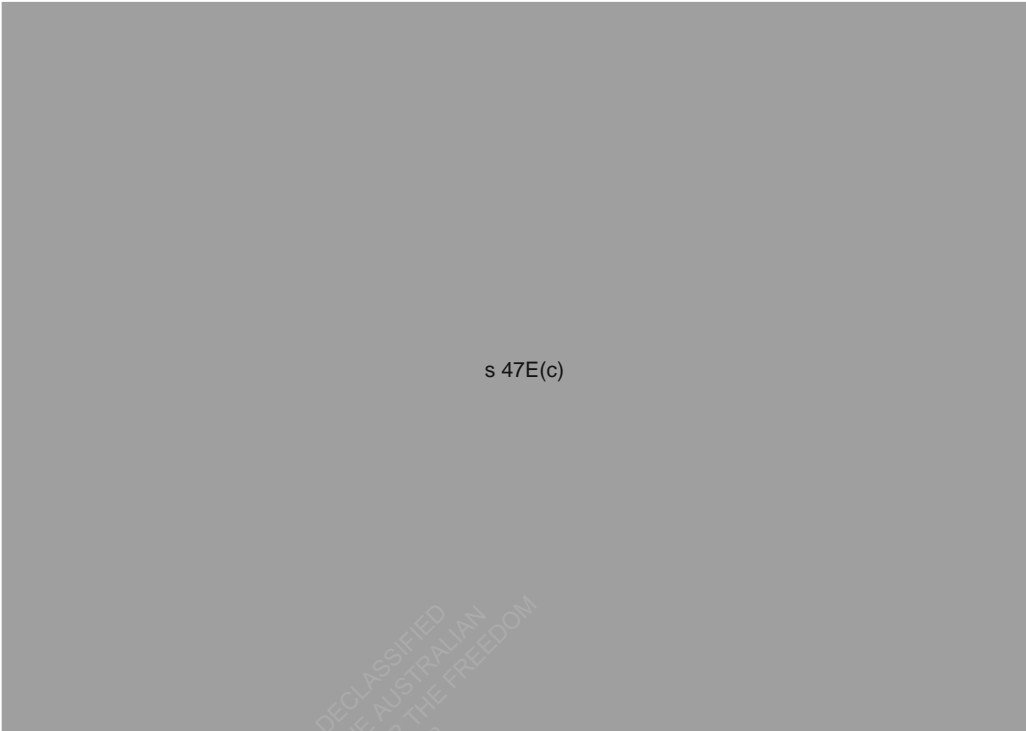
- [Redacted]
- [Redacted]
- [Redacted] s 47E(c)
- [Redacted]

5.49 [Redacted] s47E(c)

5.50 It is the view of the investigating officer that the conduct issues and categorisation for all matters remain unchanged.

Investigating member:	[Redacted] s47E(c)		
Rank:	D/LSC	AFP Number:	[Redacted] s47E(c)
Signature:	[Redacted] s47E(c)	Date:	11/03/2022

Annexures

Annexure A.	PRS Sergeant Comments
Annexure B.	PRS Superintendent Comments
Annexure C.	
Annexure D.	
Annexure E.	
Annexure F.	
Annexure G.	
Annexure H.	
Annexure I.	
Annexure J.	
Annexure K.	
Annexure L.	
Annexure M.	
Annexure N.	

s 47E(c)

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ANNEXURE A

Sergeant Review Comments			
I have reviewed the investigation undertaken by the investigator. I am satisfied that:			
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The investigation has been undertaken as required by Part V of the AFP Act and/or meets the standard of Part 1C of the Crimes Act 1914.	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Sufficient information has been obtained to support the recommended findings.	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Approved for sending to Coordinator for review Pre-Natural Justice Response.	
Conflict of interest declaration:			
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Do you have a Conflict of Interest, (actual, potential and/or perceived) in relation to the persons (subject(s) and/or complainant/s) who are involved with this investigation report?	
<p>I have reviewed the investigation report and supporting annexures and support, on the balance of probabilities, the following proposed findings:</p> <p>Conduct Issue One (1): Established (Corruption Issue) Conduct Issue Two (2): Established (Corruption Issue) Conduct Issue Three (3): Established (Corruption Issue) Conduct Issue Four (4): Established (Category 3 Conduct)</p>			
Name:	s47E(c)		
Rank:	D/A/Sgt	AFP Number:	s47E(c)
Signature:	s47E(c)	Date:	28/10/2021

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ANNEXURE B

Superintendent Pre Natural Justice Response Comments			
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Do you have a Conflict of Interest, (actual, potential and/or perceived) in relation to the persons (subject(s) and/or complainant/s) who are involved with this investigation report?	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The investigation has been undertaken fairly and without bias and in adherence with Part V of the AFP Act 1979.	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	This Investigation Report has substantively addressed the issues raised in the complaint and evidence has been appropriately weighed on the civil standard in making the final recommendations.	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The findings, conclusion and recommendations made by the investigator are sound, appropriate and I support them. (If not: attach report).	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Approved to send out for Natural Justice Response.	
Notes / Comments			
Comments on Investigation			
<p>I have reviewed this 'Proposed Finding Investigation Report' and note the Case Officer has conducted a comprehensive investigation in relation to all four conduct issues. I agree with the findings and recommendations of the PRS investigation, being:</p> <ul style="list-style-type: none">• Conduct Issue one is 'Established' as a breach of section 8.8 of the AFP Code of Conduct, being corrupt conduct pursuant to section 6 of the <i>Law Enforcement Integrity Commissioner Act 2006</i>;• Conduct Issue two is 'Established' as a breach of section 8.8 of the AFP Code of Conduct, being corrupt conduct pursuant to section 6 of the <i>Law Enforcement Integrity Commissioner Act 2006</i>;• Conduct Issue three is 'Established' as a breach of section 8.8 of the AFP Code of Conduct, being corrupt conduct pursuant to section 6 of the <i>Law Enforcement Integrity Commissioner Act 2006</i>; and• Conduct Issue four is 'Established' as a breach of section 8.11 of the AFP Code of Conduct, being Category 3 serious misconduct pursuant the AFP Categories of Conduct Determination 2013. <p>While I note that [REDACTED] s47E(c)</p> <p>[REDACTED] s 47E(c)</p>			
Rank & Name:	Detective Superintendent [REDACTED] s47E(c)		
Position:	SPRSO	AFP Number:	[REDACTED] s47E(c)
Signature:	[REDACTED] s47E(c)	Date:	4 November 2021

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ANNEXURE A2

Sergeant Post Natural Justice Response Comments			
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Do you have a Conflict of Interest, (actual, potential and/or perceived) in relation to the persons (subjects and/or complainant/s) who are involved with this investigation report?	
<p>I have reviewed the Natural Justice Response process and agree with the investigating officer that the originally proposed findings should be endorsed, as follows:</p> <p>Conduct Issue One (1): Established (Corruption Issue) Conduct Issue Two (2): Established (Corruption Issue) Conduct Issue Three (3): Established (Corruption Issue) Conduct Issue Four (4): Established (Category 3 Conduct)</p>			
Name:	s47E(c)		
Rank:	D/Sgt	AFP Number:	s47E(c)
Signature:	s47E(c)	Date:	11/03/2022

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ANNEXURE B2

Superintendent Finding of Fact Determination		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Do you have a Conflict of Interest, (actual, potential and/or perceived) in relation to the persons (subject(s) and/or complainant(s) who are involved with this Investigation Report?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Does the NJR provided raise any other avenues of investigation or enquiry?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Do the pre NJR findings require review?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Are the findings, conclusion and recommendations made by the investigator sound, appropriate and do you support them? (If not: attach report).
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	s47E(c)

Notes / Comments

Comments on Investigation

s47E(c)

- Conduct Issue one is **'Established'** as a breach of section 8.8 of the AFP Code of Conduct, being corrupt conduct pursuant to section 6 of the *Law Enforcement Integrity Commissioner Act 2006*;
- Conduct Issue two is **'Established'** as a breach of section 8.8 of the AFP Code of Conduct, being corrupt conduct pursuant to section 6 of the *Law Enforcement Integrity Commissioner Act 2006*;
- Conduct Issue three is **'Established'** as a breach of section 8.8 of the AFP Code of Conduct, being corrupt conduct pursuant to section 6 of the *Law Enforcement Integrity Commissioner Act 2006*; and
- Conduct Issue four is **'Established'** as a breach of section 8.11 of the AFP Code of Conduct, being Category 3 serious misconduct pursuant the AFP Categories of Conduct Determination 2013.

s47E(c)

Rank & Name:	Detective Superintendent s47E(c)
Position:	SPRSO
Signature:	s47E(c)
AFP Number:	s47E(c)
Date:	24 March 2022

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