

AFP National Guideline on Freedom of Information releases

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Metadata	
Caption	Freedom of Information releases
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1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the *Australian Federal Police Act 1979* (Cth).

2. Guideline authority

This guideline was issued by Chief Counsel using power under s. 37(1) of the *Australian Federal Police Act 1979* (Cth) as delegated by the Commissioner under s. 69C of that Act.

3. Introduction

This guideline advises AFP appointees of the obligations and processes in responding to requests for information under the *Freedom of Information Act 1982* (Cth) and the processes in responding to requests for information outside that Act.

4. General right to access information

The AFP is an 'agency' within the terms of the *Freedom of Information Act 1982* (Cth) (the Act), and therefore is subject to requests for access to documents in its possession. An applicant may request access to, or a copy of, any document held by the AFP, whether or not it relates to the applicant.

Section 11 of the Act provides that every person has a legally enforceable right to obtain access to documents under the Act, other than exempt documents, irrespective of their motivations for access.

Decisions made under the Act must have regard to the Act's objectives, which include exercising powers to facilitate and promote public access to information, promoting democracy by increasing participation in government processes and increasing scrutiny and discussion of government activities.

5. Exemptions to releasing documents

The *Freedom of Information Act 1982* (Cth) contains exemptions on releasing documents, grouped in two broad categories:

- exemptions
- conditional exemptions.

A public interest test applies to all conditional exemptions and an agency must give access to the document unless access at that time would, on balance, be contrary to the public interest.

Exemptions to releasing documents seek to balance the rights of applicants to access government-held documents with the need to protect the legitimate interests of government and third parties who deal with government. The exemptions are based on the premise that disclosing particular information would:

- or could reasonably be expected to, harm national security, defence or international relations, the enforcement of the law and protection of public safety
- reveal information communicated in confidence, or documents subject to legal professional privilege
- release information subject to a secrecy provision
- constitute contempt of parliament or contempt of court
- reveal Cabinet documents
- reveal confidential Parliamentary Budget Office documents
- disclose trade secrets or commercially valuable information
- disclose electoral roll information.

Conditional exemptions apply only if releasing the document would be contrary to the public interest. Conditional exemptions apply to documents containing information relating to:

- Commonwealth/state relations
- deliberative processes of an agency
- financial or property interests of the Commonwealth
- certain operations of agencies
- personal information
- business affairs
- the national economy
- research being undertaken by an agency.

Application of the public interest test requires decision makers to compare factors for and against disclosure of the documents. For further information regarding the public interest test and factors for and against disclosure, see the [Guidelines](#) provided by the Office of the Australian Information Commissioner, particularly Part 6.

Even where a document is exempt, a decision maker has discretion to permit access to a document. The Guidelines encourage decision makers to give access to exempt documents if they can be released without causing significant harm (see Part 6 of the Guidelines).

6. Handling Freedom of Information (FOI) requests within the AFP

AFP appointees who receive an FOI request must forward the request to the FOI Team as soon as possible:

Freedom of Information Team
AFP National Headquarters
GPO Box 401
Canberra City, ACT 2601

Or via email: FOI@afp.gov.au.

7. Role of FOI Team

The FOI Team coordinates all AFP responses to FOI requests within the statutory requirements and timeframes. Senior members of the team hold a delegation as an initial decision maker under the Act.

On receipt of an FOI request, the FOI Team will identify business areas that potentially hold relevant documents, and request those documents.

8. Role of AFP appointees

An AFP appointee who receives an FOI request from the FOI Team should within 10 working days:

- find and forward to the FOI Team a copy (not originals) of all relevant documents (including emails, diaries, notebooks and field books) relating to the request in the format requested by the FOI Team
- advise the FOI Team whether:
 - any documents cannot be found
 - releasing the documents would cause any real harm, including harm to the AFP's operations, security, capability or budget
 - releasing the documents could attract media attention or have political implications.

AFP appointees must take all reasonable steps to comply with an FOI request in a timely manner and to conduct all reasonable searches for documents in the AFP's possession. AFP appointees are also to return the 'Searches Checklist & Recommendation' form to the FOI Team.

AFP appointees must immediately notify the FOI Team if there may be delays in providing documents. There is no automatic right to extend deadlines, but it may be possible to:

- negotiate an extension with the applicant
- seek an extension of time from the Office of the Australian Information Commissioner where the request is complex or voluminous
- in certain cases, refuse a request that would be an unreasonable diversion of AFP resources.

The FOI decision maker must consider all documents relevant to the request. AFP appointees must not withhold, destroy or alter any documents, even if they consider them exempt. AFP appointees are not permitted to redact any document before they have been

considered by the FOI Team. Where there is any concern about releasing all or part of a document, the relevant sections/pages should be marked using a yellow highlighter and advice on the harm which may occur if released, given to the FOI Team. The FOI decision maker relies on that advice in responding to the request. Failure to identify a concern may result in the information or document being released.

Advice provided to the FOI Team should be cleared by an AFP appointee from the relevant business area, at an appropriate level, depending on the sensitivity of the information.

Routine matters are normally at superintendent/coordinator level. AFP appointees responding to an FOI request that involves significant issues should notify:

- their relevant commander/manager and Assistant Commissioner/National Manager.
- the FOI Team as soon as possible so that it can consider whether the AFP Executive, Minister or other Commonwealth agencies need to be advised.

9. Role of the decision maker

The decision maker may grant or refuse access under the Act to any document held by the AFP. Section 21 of this guideline contains a link to the current delegates for decision making.

The decision maker must form their own view on whether to release or refuse access to documents by considering all relevant provisions in the Act. In exercising this power, the decision maker should consult relevant AFP and external sources (e.g. third party individual, government or business) to ensure they have regard to all relevant facts and, if necessary, also obtain legal advice.

If a document is considered to be exempt under the Act, either in full or in part, each exemption stands in its own right and must be considered separately. If a document appears to be exempt under multiple exemptions, then each exemption should be recommended by the business area to the decision maker. The decision maker will determine which exemptions can be applied.

If the decision maker believes that sensitive issues are likely to be raised by releasing documents under a request, they must advise the Minister's office and the AFP National Media team before communicating the decision to the applicant.

10. Conflict resolution

If the FOI decision maker and the business area cannot resolve a dispute on the exemptions claimed, the matter must be raised with the next most senior decision maker. The next decision maker must then review the matter and consult further with the business area at the most appropriate level. This escalation must continue until an agreement is reached and the matter can be finalised in compliance with the Act. Legal advice may be sought if required.

11. Processing fees and charges

Charges for processing a request may be imposed in accordance with the [Freedom of Information \(Charges\) Regulations 1982](#) (Cth).

The Act stipulates that decision makers consider whether:

- paying the charges would cause financial hardship to the applicant (or the person on whose behalf the application was made)
- releasing the documents is in the general public interest or in the interest of a substantial section of the public.

The decision maker may decide:

- not to impose a charge
- to reduce a charge
- to waive a charge.

There is no charge for giving access to a person's own personal information or for providing documents outside the statutory period (including as extended).

12. Disclosure Log

The Disclosure Log includes information which has been released in response to an FOI request.

The Disclosure Log requirement does not apply to:

- personal information about any person if publication of that information would be unreasonable
- information about the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable
- other information covered by a determination made by the Information Commissioner if publication of that information would be unreasonable

- any information not reasonably practicable to publish due to the extent of modifications required by the above dot points.

Documents which are to be published must be published on the Disclosure Log within 10 working days after release to the applicant, in accordance with the Act.

Documents are published on the online Disclosure Log for 12 months. Archived documents may then be sought from the FOI Team.

13. Review of original decision

Applicants may seek a review by the AFP (internal review) or the Information Commissioner.

13.1 Internal review

An applicant may seek an internal review of the FOI decision by applying within 30 days of being notified of the initial decision, or within a further period as the AFP allows. The applicant is informed of this process in the decision letter accompanying their application.

Internal reviewers may be drawn from any area of the AFP. A schedule of authorised persons for internal reviews is at section 21 below.

The decision on an internal review application must be made within 30 days of the application being received by the AFP unless an extension is granted by the Information Commissioner. The Act allows an applicant a right of appeal to the Information Commissioner 30 days after the applicant requested the review if the internal review decision has not been received.

13.2 Review by the Information Commissioner

The Act allows an applicant to seek the Information Commissioner's review of the original decision.

14. Avenues to appeal a decision

Applicants may appeal decisions under the Act to the:

- **Administrative Appeals Tribunal (AAT)** per s. 57A of the Act to review decisions made by the Australian Information Commissioner

- **Federal Court of Australia** on appeal from the AAT on a point of law or directly under the *Administrative Decisions (Judicial Review) Act 1977* (Cth).

15. Avenues of complaint

Applicants may complain about AFP Freedom of Information responses to the **Information Commissioner** who may under the *Freedom of Information Act 1982* (Cth) investigate action taken by the AFP.

The Commonwealth Ombudsman retains powers to investigate a complaint about action taken under the FOI Act if it is considered more appropriate for them to do so following consultation with the Information Commissioner.

16. Requests for access to personnel records

Current and former AFP appointees may request access to their personnel records outside the FOI process. The AFP must consider each request on its merits and may edit documents before releasing them, consistent with the *Privacy Act 1988* (Cth).

AFP appointees should not process requests for access to personnel records as FOI requests unless the applicant has previously applied outside the FOI process and:

- is unsatisfied with the outcome
- has not been notified of the outcome within 30 days.

Current and former AFP appointees seeking to access their personnel records should initially request them from the HR Advisory Team for HR records, or Security Vetting for records contained within their Personnel Security Vetting file. Any such disclosure is not part of the FOI process, but is subject to the [AFP National Guideline on information management](#).

If the business area responsible for the records determines that access should not be granted, they must inform the applicant in writing, provide reasons for this decision and include advice that the applicant may apply for access under s. 15 of the Act.

17. Annotating or amending information

Applicants may, under s. 48 of the Act, request in writing that the AFP amend or annotate personal records where information is:

- incorrect
- incomplete
- misleading
- out of date.

The FOI Team is responsible for adhering to the relevant processes in relation to the amendment or annotation of personal records under Part V of the Act.

18. Requests outside the Freedom of Information Act

Documents may be requested and released outside of the Act, and legislation dealing with privacy and security provides advice to AFP appointees on the management of that information (e.g. the *Privacy Act 1988* (Cth) gives a right to access documents held by Commonwealth agencies).

Access to information may be made under the *Archives Act 1983* (Cth) for Commonwealth records in the open access period (over 30 years old). Requests for records under this Archives Act should be made directly to the [National Archives of Australia](#). The *Freedom of Information Amendment (Reform) Act 2010* (Cth) will reduce this period to 20 years in a phased approach across 10 years commencing 2011.

AFP appointees may also direct information requests to the AFP Media Team per the [Standard Operating Procedure on media and public engagement](#).

In the ACT, a range of reports may be provided on payment of a fee under the *Privacy Act 1988* (Cth):

- accident reports
- reports of crimes against the person, and property offences such as theft and burglary
- character checks.

Type of report	Refer request to:
ACT Policing reports dealing with people-related incidents such as assaults, sexual assaults, neighbourhood disputes and child welfare	Information Access City Station, ACT 162 592 ACT-Information-Access@afp.gov.au

<p>ACT motor vehicle accident reports</p> <p>ACT Policing reports dealing with all property-related matters such as theft, burglary, armed robbery, stolen motor vehicles, fires, criminal damage, property damage, etc.</p> <p>ACT reports of lost property</p>	<p>Accident Records City Station, ACT 162 592 AccidentRecords@afp.gov.au</p>
<p>National Police Checks</p> <p>ACT criminal and traffic conviction reports</p>	<p>Locked Bag 8550 Canberra City ACT 2601 1300 363 992 AFP- NationalPoliceChecks@mail2.converga.com.au</p>

19. Information Publication Scheme

The Act provides a statutory framework for proactive publication of information by agencies. This scheme allows the Act to evolve as a legislative framework to give access to information via agency-driven disclosure rather than as a scheme primarily reactive to requests for documents. For further information please refer to the [National Guideline on the Information Publication Scheme](#).

20. Further advice

Any queries relevant to the content of this guideline should be emailed to [FOI](#).

21. References

Legislation

- *Administrative Decisions (Judicial Review) Act 1977* (Cth)
- *Archives Act 1983* (Cth)
- *Australian Federal Police Act 1979* (Cth)
- *Freedom of Information Act 1982* (Cth)
- *Freedom of Information Amendment (Reform) Act 2010* (Cth)
- [Freedom of Information \(Charges\) Regulations 1982](#) (Cth)
- *Privacy Act 1988* (Cth)
- *Ombudsman Act 1976* (Cth).

AFP governance instruments

- [AFP National Guideline on information management](#).

Delegations and authorisations

- [Authorisation under s. 23\(1\) of the *Freedom of Information Act 1982* \(Cth\) to make original decisions](#)
- [Authorisation under s. 23\(1\) of the *Freedom of Information Act 1982* \(Cth\) to review original decisions.](#)

Other

- [Information Commissioner's FOI Guidelines](#).

22. Shortened forms

AAT	Administrative Appeals Tribunal
AFP	Australian Federal Police
FOI	Freedom of Information

23. Definitions

Act means the *Freedom of Information Act 1982* (Cth).

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

- engaged overseas under s. 69A of the *Australian Federal Police Act 1979* (AFP Act) to perform duties as an AFP employee
- seconded to the AFP under s. 69D of the AFP Act
- engaged under s. 35 of the AFP Act as a consultant or contractor to perform services for the AFP and determined under s. 35(2) of the AFP Act to be an AFP appointee.

(See s. 4 of the AFP Act).

Agency means a government department, a prescribed authority or a Norfolk Island authority.

Applicant means a person seeking access to documents under s. 15 of the *Freedom of Information Act 1982* (Cth).

Decision maker means a person authorised by the Commissioner under s. 23(1) of the *Freedom of Information Act 1982* (Cth) (see paragraph 23 below).

Disclosure log means a publically available online collection of documents released under certain FOI requests so as to provide more efficient access to AFP material without the need for repetitious requests.

Document means anything in written form, as well as photographs, audio and video recordings and computer records. See s. 4 of the *Freedom of Information Act 1982* (Cth) for the complete definition.

Internal review means a complete reconsideration of a request, and is conducted by an AFP delegate who is independent from the initial decision maker.

Personnel records is defined in the *Freedom of Information Act 1982* (Cth) as documents containing personal information about an employee or former employee that are, or were, kept by the agency for personnel management purposes.

Public interest as outlined in s. 11B(3) of the *Freedom of Information Act 1982* (Cth) includes documents that 'promote the object of the Act', 'inform debate on a matter of public importance', 'promote effective oversight of public expenditure' and 'allow a person to access his or her own personal information'.

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AFP National Guideline on the Information Publication Scheme

[View document details \(metadata\)](#)

Metadata	
Caption	Information Publication Scheme
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Description	This guideline outlines the policies, standards, procedures and obligations for the AFP to comply with the Commonwealth Information Publication Scheme (IPS) legislation and policy.
Command	Chief Counsel
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1. Disclosure and compliance

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This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the *Australian Federal Police Act 1979* (Cth).

2. Guideline authority

This guideline was issued by the National Manager Legal using power under s. 37(1) of the [AFP Act](#) as delegated by the Commissioner under s. 69C of the Act.

3. Introduction

The IPS is established under Part 2 of the [FOI Act](#) and is intended to form the basis for a more open and transparent culture across government. It is designed to encourage agencies to proactively publish information and, in particular, policies and procedures underlying their decision-making processes, to facilitate and promote public access to information promptly and at the lowest reasonable cost.

This guideline outlines the policies, standards and procedures for the AFP to comply with the Commonwealth IPS legislation and policy, and includes the obligations for:

- the Freedom of Information (FOI) team
- other functional areas
- all AFP appointees.

In addition to the IPS, the AFP is required to publish FOI requests following an FOI access request through the [Disclosure Log](#). The Disclosure Log is established under s. 11C of the [FOI Act](#) and lists information which has been released in response to an FOI request. This information must be published within 10 working days after the documents have been provided to an applicant. The Disclosure Log has similar objectives to the IPS, but does not involve the proactive publication of documents.

4. Policy

The AFP must publish those things listed in s. 8(2) of the [FOI Act](#), including:

- the AFP's IPS Plan
- the AFP's structure and organisation details
- the AFP's functions, including associated decision-making powers and other powers affecting members of the public
- details of AFP statutory appointments
- information in annual reports, prepared by the agency and laid before parliament
- arrangements the public may use to comment on AFP policy proposals
- information which the AFP routinely gives access to, either in response to FOI requests, or in response to requests from parliament
- contact details for an officer responsible for information requests under the FOI Act
- operational information

Functional areas may also consider publishing optional information, under s. 8(4) of the [FOI Act](#), where appropriate.

In determining whether a document falls within the scope of s. 8(2) or s. 8(4) of the [FOI Act](#), or whether to publish a document as optional information, the functional decision-maker must consider both the objects of the [FOI Act](#) and the Office of the Australian Information Commissioner's (OAIC's) [FOI Guidelines](#). These objects include increasing:

- public participation in government processes to promote informed decision-making
- scrutiny and discussion, comment and review of government activities
- recognition that information held by government is managed for public purposes and is a national resource.

Functional areas and all AFP appointees must ensure compliance with the IPS.

The FOI team should oversee and guide the IPS process.

5. FOI team

The FOI team must coordinate and manage the IPS in accordance with Commonwealth legislation. The FOI team:

- sets policies, standards and procedures for IPS publishing and ensuring they are current and available to all functional areas and AFP appointees
- provides guidance, advice and training to functional areas in relation to applying the exemptions under the [FOI Act](#)
- arranges publication of the document on the AFP IPS website through the Online Services team.

6. Functional areas

The National Manager (or equivalent) must ensure their functional area:

- complies with the IPS legislative obligations to review and publish their document holdings
- maintains an internal IPS information register of all the function's document holdings and the reasons for publication/non-publication of those documents on the IPS website using the standard [template](#)
- manages their internal IPS information register and documents published on the IPS website to control business risks by:
 - assuring its content is current, accurate and usable
 - addressing risk on a coordinated, national basis
 - upholding the AFP's core value of accountability
- implements an IPS review plan to ensure their internal IPS information register and published documents meet the OAIC compliance standards
- decision-makers are informed of any recommendations from subject matter areas and the FOI team.

To assess a document for publication on the IPS, functional areas must:

- search all document systems and facilities for relevant documents
- identify the document owner
- identify the document's disclosure history and status
- apply FOI legislation and have regard to advice from the FOI team

- consider recommendations from subject matter areas, management and the FOI team
- record, in the external IPS information register, all considerations, recommendations, decisions and reasons for decisions.

Functional decision-makers must make all IPS publishing decisions, except for ‘minor amendments’ which may be approved by any AFP appointee who is a team leader or above.

Operational and optional documents, identified and assessed for publication, must be cleared by the functional decision-maker before they are published on the IPS website.

Documents cleared for publication by functional decision-makers must be forwarded to the [FOI team](#), who must coordinate the publication of the documents on the AFP IPS website.

6.1 Operational information

‘Operational information’ must be published on the IPS unless an exemption under the [FOI Act](#) applies. In applying an FOI exemption, the functional area must seek feedback from the FOI team to ensure their reasons for non-publication are sound and will withstand external scrutiny. A list of commonly applicable FOI Act exemptions can be found in Attachment 3.

In deciding what information should be published on the IPS website, functional areas should have regard to the factors listed in [part 13](#), paragraph 13.110, of the OAIC’s [FOI Guidelines](#) including:

- client and stakeholder interest
- general community interest
- public demand for the information
- will publication of the information assist the community
- will the information better inform the public about how the AFP makes decisions
- will publication of the information create greater accountability, openness and understanding of the AFP
- is the information for publication in an appropriate and accessible format, and able to be used and re-used by the public
- will published information require frequent revision, or is it part of the historical record
- whether there are privacy or security concerns that require information to be edited before it is published.

Additionally, the OAIC's [FOI Guidelines](#) reiterate, in paragraph 13.111, that the publication of information for the purposes of the IPS, should not be excessively resource intensive.

6.2 Optional publication

Functional areas must also record and consider publishing its information as an 'optional publication' having regard to its:

- importance or relevance to the community
- established or routine public demand
- potential to assist AFP appointees to deal with the public
- contribution to AFP accountability.

7. AFP appointees

AFP appointees must not publish information on the IPS website or remove IPS content unless it has been assessed against the [FOI Act](#) and AFP IPS policy.

AFP appointees who create, revoke or update any document anticipated to be subject to IPS publication must:

- notify their functional area IPS record keeper
- ensure it is assessed or re-assessed for IPS publication in accordance with this guideline.

8. Publication of documents

Documents to be published on the IPS website should contain AFP branding and, if necessary, an overarching document to provide context. Queries regarding AFP branding should be directed to [Strategic Communications](#).

All content approved for publication on the [AFP IPS website](#) must be emailed as a PDF document to the [FOI team](#).

The FOI team must email all documents for IPS publication to the Online Services team.

The Online Services team is responsible for uploading and managing IPS content on the IPS website.

The Online Services team must act in accordance with the [Better Practice Guide on internet publishing](#) and provide technical services and governance for IPS publications.

Documents published on the AFP IPS website that are subsequently reviewed, updated or redacted significantly, must be reassessed for publication using the same process as the initial publication phase.

The IPS website should only contain current and accurate documents. It does not retain historical lists or publications of documents.

[Attachment 1](#) outlines the IPS process that functional areas must follow.

[Attachment 2](#) lists naming conventions for documents.

Protective security markings

Functional areas must review the protective security markings of documents in conjunction with the review of information contained in the document prior to publication on the IPS.

Documents published on the IPS must have the same security marking as the most current and up to date document in use within the AFP. This is consistent with the disclosure of information made under the FOI Act.

The IPS website must include a caveat that the documents published under the IPS:

- retain the same protective security markings as the document in use within the AFP regardless of any redactions made
- have been authorised for publication.

9. Review and reporting of agency compliance

The AFP is required to periodically review its IPS compliance, including the:

- agency plan
- governance and administration
- IPS document holdings register
- IPS information architecture
- agency compliance review systems.

In accordance with the [FOI Act](#) and the [AIC Act](#), the OAIC, in conjunction with the AFP, is responsible for conducting periodic reviews of the operation of the IPS in the AFP.

Functional areas must maintain their IPS registers and respond in a timely manner to requests from the Coordinator FOI for updates on their holdings.

The FOI team must brief Manager Legal, periodically as required, on IPS compliance.

10. Disclosure Log

The [Disclosure Log](#) includes information which has been released in response to an FOI access request. The requirement to publish a disclosure log, in compliance with legislative obligations, is separate from the obligations of the AFP and functional areas to publish information on the IPS.

The Disclosure Log requirement does not apply to:

- personal information about any person if publication of that information would be unreasonable
- information about the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable
- other information covered by a determination made by the Australian Information Commissioner if publication of that information would be unreasonable
- any information not reasonably practicable to publish due to the extent of modifications that would need to be made to delete the information listed in the above dot points.

Further guidance on what amounts to 'unreasonable' can be found in [part 14](#), paragraphs 14.16 to 14.20, of the OAIC's [FOI Guidelines](#).

Documents must be published on the Disclosure Log 5–10 working days after release to the applicant.

11. Further advice

Queries about this guideline, the IPS, or the Disclosure Log should be referred to the Coordinator FOI at s 47E(d)

12. References

Legislation

- *Australian Federal Police Act 1979* (Cth)

- *Australian Information Commissioner Act 2010* (Cth)
- *Freedom of Information Act 1982* (Cth).

AFP governance instruments

- [AFP Commissioner’s Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on information management](#)
- [Better Practice Guide on applying protective markings](#)
- [Better Practice Guide on internet publishing.](#)

Other sources

- [AFP IPS collection](#)
- [AFP IPS Plan](#)
- [IPS information register template](#)
- [Attorney-General’s Department Protective Security Policy Framework](#)
- [Office of the Australian Information Commissioner’s website](#)
- [Office of the Australian Information Commissioner’s FOI guidelines.](#)

13. Shortened forms

ACT	Australian Capital Territory
AFP	Australian Federal Police
AFP Act	<i>Australian Federal Police Act 1979</i> (Cth)
AIC Act	<i>Australian Information Commissioner Act 2010</i> (Cth)
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1982</i> (Cth)
GIF	Governance Instrument Framework
IPS	Information Publication Scheme
OAIC	Office of the Australian Information Commissioner

14. Definitions

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

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

(See s. 4 of the AFP Act.)

Disclosure Log means the online collection of documents released under certain FOI requests, so as to provide more efficient access to AFP material without the need for repetitious requests.

External IPS information register means the method in which details of documents published in the IPS are recorded. Each document must include the following details:

- functional area ownership
- last update
- size and format
- contact person, to arrange for access of information
- category.

Functional area means, in terms of an AFP functional stream, an AFP business area managed by one of the following:

- National Manager
- Assistant Commissioner
- Chief Financial Officer
- Chief of Staff
- Chief Police Officer for the ACT.

Functional decision-maker means the functional National Manager or equivalent (e.g. Chief Police Officer for the ACT, Chief Financial Officer). The functional decision-maker is responsible for approving all IPS decisions except minor amendments.

Governance Instrument Framework (GIF) is the collection of key internal governance instruments which outline the rights and obligations of AFP appointees in performing their duties, functions and powers under the [AFP Act](#). For more information see the [GIF Hub page](#).

Internal IPS information register means a complete list of documents held by functional areas that must be kept current, accurate and complete.

IPS review plan means a system by which the functional area adopts measures to assess and ensure IPS entries are accurate, current and complete, including measures to monitor and respond to IPS non-compliance.

Minor amendment is a change (e.g. to format, spelling, grammar, contact details, etc.) which does not alter the document's:

- type, status or purpose
- security classification
- effect on making decisions about any person's rights or obligations.

Operational information is defined in s. 8A of Part II of the [FOI Act](#) and may include:

- guidelines
- better practice guides
- standard operating procedures
- templates, forms and pro formas
- administrative instructions
- manuals, handbooks, etc.

Optional publication means publishing non-operational information ('other information' per s. 8(4) of the FOI Act) that could:

- provide information important or relevant to the community
- remove the need to respond to multiple requests
- help AFP appointees assist the public
- contribute to AFP accountability.

15. Attachments

Attachment 1 – IPS process

Step	Procedure
1	Functional area identifies document and adds it to the internal IPS information register for assessment.
2	Functional area assesses and identifies the document as:

	<ul style="list-style-type: none"> ▪ publishable in full ▪ publishable with redaction ▪ exempt (not suitable for publication).
3	<p>Functional area reviews the protective security classification markings on the document in accordance with the:</p> <ul style="list-style-type: none"> ▪ Protective Security Policy Framework ▪ Better Practice Guide on applying protective markings (including Business Impact Levels).
4	Functional area marks the document with reasons for exemption and consults the FOI team.
5	FOI team reviews document in accordance with the FOI Act and provides feedback.
6	Functional area updates records with FOI team feedback and obtains National Manager (or equivalent) approval for IPS publication.
7	Functional area sends National Manager (or equivalent) approval and approved document to FOI team.
8	If the document is published on the GIF , FOI team obtains a copy of the document from the GIF and, if necessary, redacts applicable exemptions. The FOI team must advise the GIF team of the IPS category and decision date.
9	FOI team forwards final PDF document to Online Services team to publish on the AFP IPS website. FOI team to advise whether it is a new or a replacement document. For replacement documents, FOI team provides the Online Services team with the title or hyperlink as it currently appears on the AFP IPS website.
10	Online Services team uploads documents and advises the FOI team when the document is published.

Attachment 2 – Naming conventions for IPS documents

The IPS publishing categories and naming conventions (using document type and document name) have been set by the Coordinator FOI. Functional areas must follow the structure outlined below:

- structure:
 - AFP National Guidelines
 - Commissioner’s Financial Instructions
 - Commissioner’s Orders

- better practice guides
 - commander's orders
 - determinations
 - standard operating procedures
 - handbooks/plans
 - policies
 - other documents
 - useful links
- naming convention on the AFP IPS website:
 - AFP National Guideline...
 - AFP Commissioner's Order...
 - Better Practice Guide...
 - Determination...
 - Standard Operating Procedure – [Function]...
 - Policy [full name of document]
 - other document [full name of document]
 - useful link [link full title].

Attachment 3 – Schedule of Freedom of Information (FOI) exemptions

There are 2 types of exemptions under the *Freedom of Information Act 1982* (Cth) (FOI Act): documents which are exempt, and documents which are conditionally exempt and must not be released if their disclosure would be contrary to the public interest. In deciding where the public interest lies, the functional decision-maker must weigh factors favouring access against those favouring non-disclosure.

The following is a list of FOI exemptions (and a summary of the basis for the exemption) commonly applied to documents held by the AFP. **This is intended as a guide only and specific queries about the use of particular exemptions should be discussed with the FOI team.**

Exemptions

National security, defence or international relations

s. 33(a)(i) Deletions are made on the grounds that disclosure would or could reasonably be expected to cause damage to the security of the Commonwealth.

s. 33(a)(iii) Deletions are made on the grounds that disclosure would or could reasonably be expected to cause damage to the international relations of the Commonwealth.

s. 33(b) Deletions are made on the grounds that disclosure would divulge information communicated in confidence by a foreign government.

Cabinet documents

s. 34(1) Deletions are made on the grounds that disclosure would divulge information submitted to the Cabinet for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the dominant purpose of submission for consideration by the Cabinet. Also applies to documents brought into existence for the dominant purpose of briefing a Minister on a document for submission to cabinet, or a draft of a document.

Law enforcement and public safety

s. 37(1)(a) Provision of this document would disclose information that would reasonably be expected to prejudice the conduct of an investigation of a breach or possible breach of the law, or prejudice the enforcement or proper administration of the law in a particular instance.

s. 37(1)(b) Deletions are made on the grounds that disclosure would enable a third party to ascertain the identity of a confidential source of information in relation to enforcement or administration of the law.

s. 37(1)(c) Deletions are made on the grounds that disclosure would endanger the life or physical safety of people other than the FOI applicant.

s. 37(2)(a) Deletions are made on the grounds that disclosure could prejudice the fair trial of a person or the impartial adjudication of a particular case.

s. 37(2)(b) Deletions are made on the grounds that release would disclose lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law, the disclosure of which would or could be reasonably likely to prejudice the effectiveness of those methods or procedures.

s. 37(2)(c) Deletions are made on the grounds that release would prejudice the enforcement of lawful methods in the protection of public safety.

Secrecy provisions

s. 38 Material is exempt if disclosure of the document is prohibited under a provision of an enactment and, either specified in Schedule 3 of the FOI Act, or this exemption is expressly applied to the document, by a provision of an enactment.

Legal professional privilege

s. 42(1) Material is considered exempt on the grounds that it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

Breach of confidence

s. 45 Deletions are made on the grounds that disclosure of the material would found an action for breach of confidence.

Contempt of court or parliament

s. 46(a) Deletions are made on the grounds that disclosure would be in contempt of court.

s. 46(c) Deletions are made on the grounds that disclosure would infringe the privileges of the parliament of the Commonwealth or of a state or territory, or of a house of such a parliament.

Business affairs – trade secrets or commercially valuable information

s. 47(1)(a) Deletions are made on the grounds that disclosure would reveal trade secrets.

s. 47(1)(b) Deletions are made on the grounds that disclosure of information having a commercial value would be, or could reasonably expect to be, destroyed or diminished.

Conditional exemptions

Commonwealth/state relations

s. 47B Exempted material is information exchanged between a state or territory and the Commonwealth government in confidence. Disclosure of the information in the documents

would, or could reasonably be expected to, cause damage to relations between the Commonwealth and state or territory governments. Access must be given unless it would be contrary to the public interest.

Deliberative documents

s. 47C To grant access to the document would disclose information in the nature of, or relating to, opinion, advice or recommendation obtained/prepared in the course of the deliberative processes of an agency. Access must be given unless it would be contrary to the public interest.

Commonwealth financial or property interests

s. 47D Deletions are made on the grounds that release would have a substantial adverse effect on the financial or property interest of the Commonwealth or of an agency. Access must be given unless it would be contrary to the public interest.

Operations of agencies

s. 47E(c) Exempted material would disclose the methods used by the AFP for assessment of its personnel. Provision of this information would prejudice the effectiveness of those methods and have a substantial adverse effect on the assessment of personnel by the AFP. Access must be given unless it would be contrary to the public interest.

s. 47E(d) Exempted material would disclose information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the AFP and would be contrary to the public interest. Access must be given unless it would be contrary to the public interest.

Personal privacy

s. 47F Deletions are made on the grounds that disclosure would involve the unreasonable provision of personal details of people other than the FOI applicant. Access must be given unless it would be contrary to the public interest.

Business affairs

s. 47G(a) Deletions are made on the grounds that disclosure would reasonably be expected to affect that person adversely in respect of their lawful business or professional affairs. Access must be given unless it would be contrary to the public interest.

s. 47G(b) Deletions are made on the grounds that disclosure would prejudice the future supply of information to the AFP for the purpose of administration of the law. Access must be given unless it would be contrary to the public interest.

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AFP National Guideline on information management

[Close document details \(metadata\)](#)

Metadata	
Caption	Information management
Document Identifier	NAT14054
Description	This guideline outlines the AFP's governance, as well as the obligations for AFP personnel, in relation to information management.
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Business area	Chief Technology Officer
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Date First Approved	7/10/2014 0:00
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1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and this instrument.

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the conduct expected of AFP personnel. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the *Australian Federal Police Act 1979* (Cth).

2. Guideline authority

This guideline was issued by National Manager Technology & Innovation using powers under s. 37(1) of the *Australian Federal Police Act 1979* (Cth) as delegated by the Commissioner under s. 69C of the Act.

3. Introduction

This guideline outlines the obligations for AFP personnel for effective management of data, information and knowledge and should be read in conjunction with the [Information Management Handbook](#).

The purpose of this guideline is to help:

- enable stakeholders to distil and deliver data into actionable and trusted insights to detect, predict and prevent harm to Australians and AFP personnel
- ensure alignment with the Australian government's digital transformation policy, that data and information:
 - is valued (as an enterprise asset);
 - is managed digitally (all digital work processes)
 - systems and processes are interoperable (shared and re-used).

This guideline is structured around the Data-Information-Knowledge-Wisdom hierarchy model (Ackoff 1988) with further definitions and diagrams located in Section 4.1 of the [Information Management Handbook](#).

4. Key information management principles

- Effective information management processes and practices maximise the efficiencies with which the AFP personnel can receive, create, organise, use, store, disseminate and dispose of information.
- Effective information management ensures the integrity and traceability of information.
- AFP personnel must adhere to the need-to-share principle which is an obligation to ensure that information is available to government personnel, organisations and individuals who require it to undertake their duties or support government programs. This principle recognises that information is an organisation resource and asset.
- AFP personnel must also adhere to the need-to-know principle where their access to information must be based on an official AFP requirement and dependent on an appropriate AFP security clearance.
- AFP personnel must use AFP information systems in a manner that ensures confidentiality and integrity of all information handled by the AFP.
- AFP personnel must assess and categorise information as soon as possible once it is received or created. This is accomplished largely through the use of metadata.
- AFP personnel must comply with all legislation, governance and policies in relation to information management.
- Specific legislation, governance and policies authorise and prohibit how that information and data is to be managed.

5. Information governance

Effective information management programs require clear governance mechanisms, authorisation channels, accountability structures, guidelines, standards, procedures and appropriately skilled AFP personnel that understand their responsibilities.

AFP information management governance is facilitated within a tiered governance committee structure.

5.1 Governance structure

5.1.1 Tier 3 - information governance - Metis Committee

The Tier 3 information governance body for the AFP is the Metis Committee, responsible for directing the AFP information governance and management agenda in line with the Whole-of-Government policy and AFP values.

The objectives of the Metis Committee are articulated in the [Metis Terms of Reference](#) document.

5.1.2 Tier 2 – Capability Committee

The Tier 2 Capability Committee provides escalation, consideration and approval function for information management governance impacting the wider organisation to ensure policies are in line with the AFP's vision and strategic priorities.

5.2 Roles and responsibilities

AFP personnel must ensure that information is managed as a strategic asset and in accordance with the Whole-of-Government policy.

5.2.1 Chief Information Governance Officer (CIGO)

The CIGO role is performed by the Manager of Information, Data Management and Analytics.

Responsibilities of the CIGO include:

- strategic – leveraging information/data, interoperability and risk
- technical – standards, best practices, intelligence, planning and security
- promotion – information as an asset, innovation, capabilities and access and reuse
- engagement – partnerships, architecture, stakeholders and Whole-of-Government initiatives
- the establishment and management of the authorised registers.

5.2.2 National Manager (and equivalents)

National Managers are responsible for ensuring the AFP meets legislative requirements for managing information and knowledge. The responsibilities of National Managers include:

- endorsing organisational information and records management guidelines and initiatives and direct staff to follow them

- championing AFP information management principles with a focus on their portfolio
- supporting AFP information management initiatives
- supporting ongoing enhancement of AFP information management infrastructure, processes and practices
- providing direction and guidance on information management issues
- promoting the use of all relevant information to improve the quality of decision making.

5.2.3 Managers / Commanders must:

- identify and manage information of value within their functional area in accordance with this guideline and related governance instruments
- ensure knowledge is managed in accordance with this guideline
- actively promote and ensure awareness of information management responsibilities within their area of responsibility
- monitor staff under their supervision to ensure that they understand and comply with the AFP's information management principles, guidelines and framework
- actively support and foster a culture within their functional area that promotes good information management practices
- actively promote using all relevant and available information to improve the quality of decision making.

5.2.4 Coordinator / Superintendents / Team Leaders / Sergeants must:

- ensure their team(s) is aware of role-specific information management responsibilities
- actively promote digital information management, where practicable
- actively promote using all relevant and available information to improve the quality of decision making
- ensure compliance with this guideline.

5.2.5 All AFP personnel must:

- understand their information management obligations and responsibilities that relate to their position
- adhere to organisational guidelines and standards in keeping information documenting their daily work, and specifically create and capture information into approved information management system(s)

- create and manage information in accordance with this guideline and related governance instruments
- uphold the confidentiality, integrity and availability of information
- actively promote using all relevant and available information to improve the quality of decision making.

6. Information management systems

The [Information Management Handbook](#) is the primary AFP information governance instrument and aligns to the Whole of Government Digital Continuity 2020 policy as well as the [Information Management Standard for Australian Government](#). This standard contains key mandatory information management principles to manage systems including:

- Principle 1: Business information is systematically governed.
- Principle 2: Necessary business information is created.
- Principle 3: Business information is adequately described.
- Principle 4: Business information is suitably stored and preserved.
- Principle 5: How long business information should be kept is known.
- Principle 6: Business information is accountably destroyed or transferred.
- Principle 7: Business information is saved in systems where it can be appropriately managed.
- Principle 8: Business information is available for use and reuse.

To ensure alignment with the Standard, the AFP utilises the [Information System Assessment Framework \(ISAF\)](#) to assess information against these principles. This identifies whether information held in systems is genuine, complete, accurate, authentic, secure, protected and appropriately lifecycle-managed.

6.1.1 System owner responsibilities

System owners must ensure:

- all systems and processes have necessary metadata captured at the creation point so it can be stored in the future as a record
- all governance is incorporated into the overall solution, minimising user burden
- all data is automatically classified where possible
- metadata is managed in accordance with the [Standing Operating Procedure for AFP Metadata Standards](#)

- when planning systems, they comply with the [Standard Operating Procedure on Information Systems Assessment Framework](#) and the [Standing Operating Procedure for Data Retention, Storage and Back-ups](#).

6.1.2 Data and application custodianship / stewardship

Data custodianship / stewardship involves formally assigning roles and responsibilities to delegated positions within the organisation for data and systems and applications.

Clear accountability in relation to AFP data and systems and applications ensures that information is known, used, managed and appropriately maintained and is able to be appropriately accessed and shared when appropriate.

Managers / Commanders should assign a delegated position for custodianship to their data and systems who is responsible for ensuring that information is known, used, managed and appropriately maintained as well as being able to be shared when appropriate.

When considering stewardship, guidance can be obtained from the Better Practice Guide for Data Steward Management (drafting).

7. Information security

AFP personnel must protect AFP information from unauthorised access and use, including unauthorised release, deletion or modification. When considering information security, AFP personnel must comply with section 5 of the [Information Management Handbook](#).

System users working in the AFP Secret Network or AFP Top Secret Network must comply with separate security documentation available on the respective systems. Further information is available on request from [Security Triage and Training](#).

8. Release / disclosure of information

AFP personnel must only release or disclose information when they are authorised to do so.

When considering information disclosure or releasing information, AFP personnel must comply with section 8 of the [Information Management Handbook](#).

9. Records management

AFP personnel must create and/or manage records that document AFP business activities and processes in accordance with the [Archives Act 1983](#) (Cth).

The AFP is committed to transitioning from paper-based processes and recordkeeping to a digital recordkeeping environment, in accordance with the National Archives of Australia's [Digital Continuity 2020 policy](#).

When considering records management, AFP personnel must comply with section 6 of the [Information Management Handbook](#).

10. Authentication of documents

Documents used by the AFP to record business process and decisions normally require authentication to record decisions, approval, or their author's identity.

When deciding the level and type of authentication, AFP personnel must comply with section 7 of the [Information Management Handbook](#).

11. Knowledge management

All AFP personnel must promote, enhance and develop the AFP knowledge management capability to ensure corporate and operational knowledge is captured, shared and re-used by authorised AFP personnel.

AFP personnel creating knowledge repositories or recording knowledge must ensure the knowledge repositories are open to all AFP personnel by default.

Further assistance is available from the [Better Practice Guide for knowledge management](#) or by contacting the Enterprise Knowledge Manager at s 47E(d)

s 47E(d)

11.1 Project and program managers

All project and program managers must maintain a knowledge repository for their program or project (separate to or part of their program or project document repository) that records their project or program knowledge, lessons learnt or retrospectives.

Further assistance is available from the [Better Practice Guide for knowledge management](#) or by contacting the Enterprise Knowledge Manager at

s 47E(d)

s 47E(d)

12. Further advice

Queries about the content of this guideline should be referred to

s 47E(d)

13. References

Legislation

- [Archives Act 1983](#) (Cth)
- [Australian Federal Police Act 1979](#) (Cth)

AFP governance instruments

- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on controlled operations under Commonwealth law](#)
- [AFP National Guideline on external agreements](#)
- [AFP National Guideline on Freedom of Information releases](#)
- [AFP National Guideline on information security](#)
- [AFP National Guideline on intellectual property, commercialisation, logos and insignia](#)
- [AFP National Guideline on international police-to-police assistance in death penalty situations](#)
- [AFP National Guideline on offshore situations involving potential torture or cruel, inhuman or degrading treatment or punishment](#)
- [AFP National Guideline on privacy](#)
- [AFP National Guideline on public interest disclosure](#)
- [AFP National Guideline on risk management](#)
- [SOP on Information System Assessment Framework \(ISAF\)](#)
- [SOP for AFP Metadata Standards](#)
- [SOP for Data Retention, Storage and Back-ups.](#)
- [Better Practice Guide on applying protective markings](#)
- [Better Practice Guide on conducting controlled operations under ACT law](#)
- [Better Practice Guide for knowledge management](#)
- [Information Management Handbook](#)

- [Metis Terms of Reference](#)

Other sources

- [Australian Government Protective Security Policy Framework](#)
- [Information Management Standard for Australian Government](#)
- [Australian Government Digital Continuity 2020 policy](#)

14. Shortened forms

AFP	Australian Federal Police
CIGO	Chief Information Governance Officer
Cth	Commonwealth of Australia

15. Definitions

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

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

(See s. 4 of the AFP Act.)

AFP personnel includes current and former:

- AFP appointees
- contracted service providers who provide services to the AFP
- AFP volunteers and other people who provide services to the AFP.

Authorised register is any list, document or page that is published onto a repository with read access to many and edit access to a few and has been approved by an AFP SES manager.

Data stewardship is the management and oversight of an organization's data assets to help provide business users with high-quality data that is easily accessible in a consistent manner.

Explicit knowledge is knowledge that can be readily articulated, codified, stored and accessed (“knowing that”).

Information means AFP documentation which is created, received, used and/or maintained by the AFP regardless of its form.

Information governance is a governance subset that focuses on ensuring the business value of information is maximised and the risks and costs of information are minimised by ensuring policy-based controls meet all legal, regulatory, risk, and business demands.

Information Management Standard for Australian Government, published by the National Archives of Australia has been developed to assist Australian government agencies create and manage business information effectively. The standard aligns to international standards.

Information system means a combination of strategic, managerial and operational activities to gather, process, store, distribute and use information and its related technologies.

Knowledge means the experience and skills acquired by the practical application and understanding of information.

Knowledge management is an integrated approach to identifying, capturing, evaluating, retrieving, and transferring explicit and tacit knowledge within business areas.

Manager means a senior executive AFP employee.

Metadata means structured details that are created to describe information resources.

Metadata standard means an approved set of metadata to describe information resources.

National Manager means an AFP appointee performing the role of National Manager or equivalent.

Record means a Commonwealth record as defined in the *Archives Act 1983* (Cth).

System owner means a person responsible for the overall business management, risk acceptance and formal accreditation approval of a designated information system or data system and includes system developers and system administrators.

System user means any AFP personnel or other persons specifically authorised to access AFP information systems.

Tacit knowledge is procedural knowledge such as riding a bike (“knowing how”).

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AFP National Guideline on complaint management and resolution of grievances

1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on professional standards \(CO2\)](#) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth) (the Act).

2. Guideline authority

This guideline was issued by Deputy Commissioner Operations using power under section 37(1) of the Act as delegated by the Commissioner under section 69C of the Act.

3. Roles and responsibilities

The professional standards of the AFP are the responsibility of **all AFP appointees**.

AFP appointees in supervisory positions are responsible for ensuring their staff are aware of the AFP's Code of Conduct.

Additional roles and responsibilities relevant to this guideline are defined in section 26 of this guideline e.g. case manager.

Part A – Complaint management methodology and processes

4. Introduction

This guideline details the obligations for AFP appointees when dealing with complaints involving a breach of the professional standards of the AFP as well as grievances. It enables the AFP to mitigate the risks associated with allegations and/or breaches of the AFP professional standards and inappropriate workplace behaviours. This guideline achieves this by detailing the obligations for AFP appointees to manage and resolve complaints and grievances at the appropriate level, whether under Part V of the Act or through informal resolution.

A **complaint**, pursuant to Part V of the Act, means the giving of information that raises an AFP conduct or practices issue pursuant to section 40SA of the Act.

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A complaint is not considered to be:

- minor disagreements and conflict between individuals or groups of individuals within the workplace (workplace conflict)
- management of underperformance
- an issue about the practices or procedures of the AFP pursuant to sections [40RI AFP practices issues](#) and [40RJ Exclusion of certain employment action](#) of the Act.

A **grievance** is any issue/dispute/problem that does not constitute a complaint under Part V of the Act and is managed in accordance with this guideline and related governance. A grievance may arise between AFP appointees and/or between an AFP appointee and the AFP.

An AFP appointee has mandatory reporting obligations as outlined in AFP governance and the AFP professional standards framework. To facilitate this, there are a number of reporting requirements which form an important part of the professional standards of the AFP. These allow AFP appointees to report integrity concerns, suspicious behaviour and security issues and to protect themselves from allegations of misconduct; however these matters may not constitute a complaint for the purposes of this National Guideline.

5. Complaints or grievances reporting and management process

The approach to dealing with complaints or grievances places an emphasis on the role of supervisors to resolve matters within the workplace. This philosophy is complemented by the AFP's commitment to the principle of continual learning and development.

5.1 Reporting suspected AFP conduct issues, practices issues and grievances

Pursuant to sections 10 and 17 of [CO2](#), an AFP appointee who becomes aware of a potential breach of the AFP professional standards or an AFP practices issue must deal with the matter as set out below without unreasonable delay; this includes self-reporting.

AFP appointees who receive or become aware of a complaint in relation to a Category 1 conduct issue may deal with the complaint informally, pursuant to section 9 of this guideline.

Any complaint or practice issue that is not resolved informally must be recorded on the relevant IT system. Once recorded, the Workplace Issues and Resolution team (Resolution team) assesses, reviews and categorises the matter according to the content and seriousness, having regard to the Act and the Australian Federal Police [Categories of Conduct Determination](#) as varied from time to time.

A confidant who receives information about a complaint or practice issue must act in accordance with the [AFP National Guideline on the Confidant Network](#).

The Resolution team may deal with a complaint or grievance pursuant to section 9 of this guideline or, where appropriate, refer the matter to:

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- line areas including, but not limited to, People Strategies (PS), Work Health Safety and Rehabilitation, Confidant Network and Safe Reporting and/or the owning line area (pursuant to section 8 for managerial resolution)

and/or

- a Resolution team investigator for investigation

or

- Professional Standards (PRS) where the matter is categorised as a Category 3 or corruption matter to be managed in accordance with section 13 of this guideline.

Certain Category 1 complaints issues may be managed in accordance with [section 40SC\(2\) of the Act](#) and section 9 of this guideline. Category 2 complaints and Category 1 complaints not suitable for management under section 40SC are managed in accordance with Part V of the Act.

Category 3 complaints and corruption matters are managed in accordance with [Part V of the Act](#). All corruption matters must be referred to the Australian Commission for Law Enforcement Integrity (ACLEI). Any corruption matters accepted for investigation must be investigated by either PRS and/or ACLEI.

Any dispute that relates to a matter arising from the applicable Enterprise Agreement (EA) or the National Employment Standards must be resolved in accordance with the dispute resolution procedures specified in the applicable EA.

5.2 Conflicts of interest

AFP appointees involved in the assessment, review or investigation of a complaint or grievance must make and record a conflict of interest declaration at the time of their first contact with the matter. Declared conflicts of interest must be managed in accordance with the [National Guideline on conflicts of interest](#).

Where an AFP appointee declares a conflict of interest, this does not automatically preclude them from conducting an assessment, investigation or review. A PRS Coordinator or Superintendent, Resolution team Leader or PS Coordinator will review the nature and details of the conflict and make a determination on the AFP appointee's continued involvement. A determination may include mitigation strategies such as the development of a risk management strategy to manage any actual, perceived or potential conflicts.

6. Conduct which must be recorded

Once a complaint has been lodged, the Resolution team must record it on the appropriate IT system and assesses the matter in accordance with the Australian Federal Police [Categories of Conduct Determination](#) (Cth) as varied from time to time

Category 1 conduct issues must be recorded on the relevant IT system if not resolved within five business days of receiving the complaint, as per section 9 of this guideline.

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All matters that relate to an AFP practice issue which cannot be resolved informally in accordance with section 40SC of the Act, must be recorded on the relevant IT system and referred to PRS for entry on the practice issue registry and management as appropriate.

An AFP appointee may make an anonymous complaint on their own behalf or on behalf of another AFP appointee. Reporting obligations of [CO2](#) may also be fulfilled by reporting through the AFP Confidant Network and Safe Reporting or, for corruption issues, directly to ACLEI. AFP appointees should note, however, that making an anonymous complaint may limit the extent to which a complaint can be investigated or otherwise dealt with.

The obligation to report AFP conduct issues extends to an obligation for AFP appointees to self-report if they have been arrested, charged or summonsed in relation to a criminal or traffic matter or have been issued a criminal infringement notice. The fact that an AFP appointee has been arrested, charged or summonsed raises an issue as to whether they have contravened the AFP professional standards. In these circumstances, a self-report is not taken as an admission of guilt in court or for the investigation of a complaint.

Self-reporting and Integrity reports in general must occur in accordance with the [AFP National Guideline on integrity reporting](#) and/or the [AFP National Guideline on personnel security](#).

7. Benchmarks for managing AFP conduct issues

Crucial to the success of the AFP's complaint management is compliance with benchmarks as prescribed in the [Australian Federal Police Categories of Conduct Determination](#) (Cth):

- Informally resolved Category 4 (pursuant to section 9) – 5 business days
- Category 1 – 42 calendar days
- Category 2 – 66 calendar days
- Category 3 – 256 calendar days
- Corruption issues: Benchmarks do not apply.

For the purpose of determining compliance with benchmarks:

- A Category 1 complaint suitable for informal resolution commences when:
 - the complaint recipient receives the complaint
- or
- for complaints given directly to the Resolution team, when the matter is allocated to a case manager.
- All other Category 1 or Category 2 complaints commence when the complaint is assigned to a case manager within the Resolution team for action.
- the benchmark for a Category 3 complaint commences when PRS records it onto the relevant PRS IT system.

With the exception of complaints handled pursuant to section 9 of this guideline, the complaint is finalised when the AFP appointee(s) subject to the matter and the complainant (if any / if known) has been, where possible, notified in writing of the final outcome. In

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limited circumstances, outcome letters may not be provided to an AFP appointee subject to a complaint; this will be considered on a case-by-case basis.

Where the complainant is unable to be contacted, the investigator and/or case manager must record in the assigned case or other official means such as diary entries the date and time of at least two attempts to make contact (contact should be attempted using all provided contact details). Where appropriate contact details are available, the investigator or case manager must then write to the complainant advising that unless contact is made, the matter will be considered finalised within 7 calendar days from the date of said communication.

There is no specified benchmark for resolving a grievance.

Compliance with benchmarks is systematically reviewed as part of the Commonwealth Ombudsman's annual review of Part V of the Act.

7.1 Timeframe benchmarks

The 'clock' may be stopped in certain circumstances for Category 1 or 2 matters, such as the:

- complainant, an important witness or the subject AFP appointee is not available for an extended period of time
- matter is before the court and it is inappropriate for the complaint investigation to continue prior to the conclusion of the court proceedings
- investigator, after commencement of their investigation, becomes unavailable as a result of an unplanned absence

Where all available avenues of inquiry have been completed by the investigator and/or case manager, a 'Stop clock' request can be forwarded via email to the [Resolution team](#) and must articulate specific reasons for the clock to be stopped. A timeframe/date for the clock to be restarted must also be proposed.

Where an investigator is on unscheduled leave or undefined, unplanned periods of absence, reallocating the complaint to a new investigator may occur.

'Stop clock' requests must be approved by authorised AFP appointees, as outlined in [Attachment 1 of CO2](#).

The clock cannot be stopped for informally resolved category 1 matters.

8. Managerial approach – Category 1 and 2 conduct issues

The managerial approach places an emphasis on managing misconduct, reported as Category 1 and 2 conduct issues, in the workplace. This produces a greater organisational focus on effecting a change in inappropriate behaviour in a timely manner.

Wherever possible, conciliation should be attempted by the AFP appointee authorised to deal with a complaint or grievance. Section 40TH(4) of the Act provides protection for AFP

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appointees whereby information provided by an AFP appointee during the course of conciliation is not admissible against the AFP appointee in any criminal or civil proceedings.

The Head of Unit, MPS, CPRS or a PS Coordinator may request (on a case-by-case basis) a report from the workplace on matters that have been referred back to the workplace for management action. The outcome of these matters must be referred back to the Resolution team for quality assurance and compliance purposes.

9. Resolving category 1 issues and grievances informally

A complaint lodged on the relevant IT system is not excluded from being managed through an informal resolution process, including via conciliation. This includes an issue that has been lodged and that has been determined to be a grievance.

Conciliation can constructively deal with honest mistakes, minor management matters, customer service issues or conduct that reveals a need for improvement in the performance of an AFP appointee particularly where inexperience or difficult situations impacted on the event/s. Conciliation may also acknowledge that the AFP may have contributed to the issues raised, through inadequate training, poor supervision or inappropriate practices and procedures.

For the avoidance of doubt, conciliation may also occur in relation to Category 2 misconduct matters, however this must be in accordance with 40TH of the Act.

Before attempting informal resolution, the complaint recipient or Resolution team, should be satisfied that the grievance or conduct issue is appropriate for this approach.

9.1 Resolving category 1 issues informally

A complaint recipient or the Resolution team may resolve a complaint that raises a Category 1 conduct issue pursuant to section 40SC of the Act.

In relation to Category 1 conduct issues, informal resolution may be considered, pursuant to section 40SC of the Act where:

- there is a misunderstanding of the facts or the law
- there is a misunderstanding of AFP practice or procedure
- the complaint recipient is satisfied that providing the complainant with an apology or accepting or partially accepting the version of events given by the complainant is likely to resolve the issue
- the complaint recipient is satisfied that providing the complainant with an explanation or taking other action is likely to resolve the issue.

The complaint recipient may seek the assistance of another AFP appointee to resolve the issue; however, the complaint recipient remains responsible for ensuring that the complaint is resolved within five business days and, if not, for recording the complaint on the relevant IT system.

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In attempting informal resolution, it is not always possible to achieve an outcome that satisfies the complainant; however, the primary objective of informal resolution is to achieve a positive outcome for both the complainant and the AFP.

A Category 1 conduct issue is considered to have been finalised when either:

- the complainant is satisfied with the explanation given or action taken
- the complaint recipient has given an adequate explanation of the facts, the law or AFP practices and procedures or has taken other reasonable action; however, the complainant remains dissatisfied and further attempts at resolution are unlikely to be successful
- several reasonable documented attempts, on differing days and times within the benchmark timeframe, have been made to contact the complainant via all contact methods provided and the complainant has not responded – in such circumstances, where appropriate contact details are available, the complaint recipient must write to the complainant providing an adequate explanation of the facts, the law or AFP practices and procedures and/or detailing other action taken to address the issue.

A complaint recipient attempting to informally resolve a Category 1 conduct issue must take official contemporaneous notes. The complaint recipient should record the following:

- the name and contact details of the complainant (where available)
- the facts associated with the conduct issue raised and the details of any AFP appointees involved
- details of any resolution action taken or explanation given, including whether or not the complainant was satisfied
- the date/time and method of contact with the complainant
- any other relevant material

9.2 Resolving grievances informally

The Resolution team may manage a grievance through an informal resolution process.

An AFP appointee attempting to resolve a grievance may seek the assistance of another AFP appointee; however, the grievance recipient remains responsible for ensuring that the grievance is resolved and, if not, for recording the grievance on the relevant IT system.

The primary objective of informal resolution is to achieve a positive outcome for the aggrieved person, the workplace and the AFP.

A grievance is considered to have been finalised when either:

- the aggrieved person is satisfied with the outcome, explanation given or action taken
- the aggrieved person has been given an adequate explanation of the facts, the law or AFP practices and procedures or what other reasonable action has been taken; however, remains dissatisfied and further attempts at resolution are unlikely to be successful
- several reasonable documented attempts, on differing days and times, have been made to contact the aggrieved person via all contact methods provided and the

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complainant has not responded – in such circumstances, where appropriate contact details are available, the grievance recipient must write to the aggrieved person providing an adequate explanation of the facts, the law or AFP practices and procedures and/or detailing the other action taken to address the issue.

A grievance recipient attempting to informally resolve a grievance must take official contemporaneous notes. The recipient should record the following:

- the name and contact details of the aggrieved person (where available)
- the facts associated with the grievance raised and the details of any AFP appointees or line area involved
- details of any resolution action taken or explanation given, including whether or not the aggrieved person was satisfied
- the date/time and method of contact with the aggrieved person
- any other relevant material.

10. Determination not to proceed

Grievances, as well as some complaints raised with the AFP may be determined to not require investigation, further investigation or other action. In those cases, AFP appointees authorised under [Attachment 1 of CO2](#) may decide to finalise the matter as requiring no action or with no further action to be taken.

10.1 Not a complaint or no further action

Complaints may be finalised using the following mechanisms:

Not a complaint determination

AFP appointees authorised under [Attachment 1 of Commissioner's Order 2](#) may determine that a matter is not a complaint when:

- there is no legislative basis for the complaint:
 - the subject is not or has never been an AFP appointee; and/or
 - the complaint does not raise a conduct issue or practices issue related to the AFP in accordance with Part V of the Act.
- there is a legislative basis for the complaint, but no basis in fact:
 - the complaint relates to an AFP appointee's behaviour that is off-duty or private or lawful or reasonable in the circumstances and does not bring the reputation of the AFP into disrepute; or
 - pursuant to section 40RJ of the Act, the complaint relates to action taken in relation to an AFP appointee's employment which does not involve either contravention of the AFP's professional standards or corrupt conduct (i.e. performance issues)

The authorised AFP appointee must make a conflict of interest declaration prior to making a determination that a matter is not a complaint.

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In circumstances where a matter is deemed 'Not a complaint', the Resolution team, as part of its initial assessment, will give consideration to dealing with the matter as a grievance.

Discretion to take no further action

Section 40TF of the Act provides discretion for the Commissioner to take no further action in relation to a complaint which raises an AFP conduct or practices issue.

The delegation to apply a discretion pursuant to section 40TF of the Act is detailed in the [Delegations and Authorisations Collection](#). The delegate must, prior to making a section 40TF determination, make a conflict of interest declaration.

10.2. Discretion to finalise a grievance

After considering the circumstances of the grievance, and on a case by case basis, Coordinator PS has the discretion under [Attachment 1 to CO2](#) to finalise a grievance and take no further action.

11. Withdrawn complaint or grievance

Where a complainant or an aggrieved person indicates a desire to withdraw a complaint or grievance, the request to withdraw should be provided in writing and articulate the reasons for the withdrawal. Written requests to withdraw a complaint or grievance should be sent to the Resolution team or relevant member of PRS. If the complainant or aggrieved person refuses or fails to provide the request in writing, after being requested to do so, the case manager or investigator must record this on the relevant IT system.

A written statement from the complainant or aggrieved person requesting the withdrawal of a complaint or grievance does not preclude further investigation of the complaint or grievance. The relevant delegate or authorised AFP appointee must assess whether there is any merit in progressing the investigation.

12. Dealing with Category 1 and 2 conduct issues

Once a matter has been initially reviewed and categorised, it is allocated to a case manager within the Resolution team. The case manager may refer the matter to an investigator within the Resolution team or assign the matter to an investigator outside of the Resolution Team as appropriate.

Most Category 1 and 2 matters may be suitable for investigation using the direct engagement investigation strategy (DEIS).

At the conclusion of the investigation, the investigator recommends finding(s) for the consideration of the delegate. Where the delegate proposes to endorse one or more established findings, the Resolution team must provide the subject appointee with an opportunity to submit a natural justice response (NJR). Any NJR submission must be considered by the delegate prior to finalising the finding(s).

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Where one or more established findings are endorsed, consideration must be given by the delegate to the application of sanction(s). Where sanction(s) are proposed to be applied, the Resolution team must ensure the subject appointee is provided with the opportunity to submit an NJR. Any NJR submission must be considered by the delegate prior to final determination of sanction(s).

Available sanctions are outlined in sections 40TI and 40TJ of the Act. Some factors relevant to the proposed sanction include:

- the seriousness of the conduct
- the seniority of the AFP appointee involved
- actual or potential damage or loss, financial or otherwise, to the AFP caused by the conduct
- past misconduct of the AFP appointee
- aggravating factors
- mitigating factors
- actions/sanctions imposed in previous cases involving similar conduct
- any other relevant factors.

13 Dealing with Category 3 conduct issues and corruption issues

Category 3 conduct issues are managed and investigated by PRS in accordance with Part V of the Act and [CO2](#).

Non-complex Category 3 conduct issues may be suitable for investigation using [DEIS](#).

Corruption and self-reported issues are managed and investigated by PRS and/or ACLEI in accordance with Part V of the Act, [CO2](#) and Part 6, Division 1 of the [Law Enforcement Integrity Commission Act 2006](#) (Cth) and as agreed between the AFP Commissioner and the Integrity Commissioner.

The Head of the Unit or CPRS may allocate certain Category 3 conduct issues, such as allegations of serious sexual misconduct, and corruption issues to a person outside PRS, or arrange for an AFP member or special member to be instrumented into PRS for the purposes of conducting a Category 3 conduct and corruption issue investigation. Any person conducting the investigation must conduct it in accordance with Part V of the Act, [CO2](#) and this guideline and adhere to directions issued by the Head of the Unit or CPRS, including the completion of a conflict of interest declaration.

The Head of the Unit or CPRS may, where appropriate, arrange for any person who is not an AFP appointee to assist PRS investigate a Category 3 conduct issue and/or corruption issue.

The Head of the Unit may, where appropriate, approve the [suspension or redeployment](#) of an AFP appointee who is the subject of an ongoing Category 3 conduct issue(s) and/or corruption issue(s).

Where an AFP appointee gives written notice of resignation during a Category 3 conduct issue or corruption issue investigation and a delegate has decided not to delay the AFP

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appointee's resignation under section 30A of the Act, the investigation must proceed to finding of fact with no sanction recorded. In circumstances where the resignation was in anticipation of termination action, CPRS may seek approval from MPS to mark the AFP appointee's personnel records as 'not to be re-engaged'.

14. Professional Standards Panel / Senior Executive Service Panel for Category 3 conduct issues or corruption issues

Where a Category 3 conduct issue or corruption issue is established against an AFP appointee at or below the Senior Executive Service (SES) Band 1 level, the matter must be referred to the Professional Standards Panel (the Panel) for determination of appropriate sanctions.

Where a Category 3 conduct issue or corruption issue is established against an AFP appointee at the AFP SES Band 2 Assistant Commissioner (AC) / National Manager (NM) level, the matter must be referred to the SES Professional Standards Panel (the SES Panel) for determination of appropriate sanctions.

Notice to the AFP appointee of proposed sanction

Once the Panel delegate / SES Panel delegate has reached a preliminary view on the proposed sanction, PRS arranges for the AFP appointee to be notified of the proposed sanction and be provided with an opportunity to comment or respond (natural justice response).

AFP appointees are ordinarily provided with 14 calendar days to comment on, or respond to, the proposed sanction.

AFP appointee's comment or response

Any response from the AFP appointee will be considered at the next available meeting of the Panel or next scheduled meeting of the SES Panel.

In the event that the AFP appointee does not provide a response, this will be noted and the Panel/SES Panel delegate will then make a final determination on sanction.

For the avoidance of doubt, where the AFP appointee's response is considered at the next available meeting of the Panel, or next scheduled meeting of the SES Panel, the person performing the functions of the Panel / SES Panel delegate at that meeting will determine the sanction even if that person was not performing that function at the previous meeting where the particular matter was considered.

Communication of decision

If the delegate decides to impose a sanction, PRS must make arrangements to communicate the decision to the AFP appointee.

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PRS must also make arrangements for the decision to be communicated to the relevant SES Band 2 AC/NM or Commander/Manager required to implement the sanction. For SES Panel matters, CPRS must make arrangements for the decision to be communicated to the Commissioner for implementation of the sanction.

Commissioner visibility

Where a Category 3 conduct issue or corruption issue is established against an AFP appointee at the AFP SES Band 2 AC/NM level and the matter has been considered by the SES Panel, the Commissioner may meet personally with the subject appointee for the purposes of sanction implementation.

Part B – Review of findings and outcomes of grievances and complaints

15. Internal review for grievances and Category 1 and 2 conduct issues

Any AFP appointee who is subject to a finalised grievance, or finalised Category 1 or 2 conduct issue and has been notified of the final finding and outcome (if any) may seek an internal review of the finding.

A request for internal review must be submitted via email to the Resolution team by the affected AFP appointee within 30 calendar days of receipt of the final finding. The request must articulate the grounds on which the review has been requested, such as:

- failure to declare and/or appropriately manage conflicts of interest
- not having an adequate opportunity to be heard pursuant to section 40TH of the Act
- failure to consider all reasonably available evidentiary material.

15.1 Internal review for Category 1 and 2 conduct issues

After a formal request for internal review has been received by the Resolution team, the delegate may undertake the review or assign an independent AFP appointee (the complaint reviewer) who was not involved in the original investigation or decision-making process. The complaint reviewer will ordinarily be at or above the Executive Level (EL) (Band 9) unless advised otherwise by MPS or CPRS.

MPS, CPRS or a PS coordinator must make a final decision, where they were not the original delegate, with reference to the review findings and notify the outcome to all relevant parties where appropriate.

A complaint may only be reviewed once by internal review.

15.2 Internal review for grievances

After a formal request for internal review of a grievance has been received by the Resolution team, MPS or a PS coordinator may undertake the review or assign an independent AFP appointee (the reviewer) who was not involved in the original investigation or decision-making process. The complaint reviewer will ordinarily be at or above EL (Band 9) unless advised otherwise by MPS or CPRS.

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MPS, CPRS or a PS Coordinator must make a final decision, where they were not the original delegate, with reference to the review findings and notify the outcome to all relevant parties where appropriate.

A grievance may only be reviewed once by internal review and is not eligible for external review.

16. External review of a complaint – reviewable actions

An AFP appointee subject to a Category 1 or 2 conduct issue investigation who is not satisfied with the finding after internal review may approach the Commonwealth Ombudsman to request a review of their investigation.

An AFP appointee who is subject to a complaint involving a Category 3 conduct or corruption issue investigation and has had the final finding and sanction notified to them, may:

- request the Commonwealth Ombudsman to review
- take action to have any sanctions involving reviewable actions considered under administrative law at the Federal or High Court of Australia
- if the matter resulted in the termination of the AFP appointee's employment, make an unfair dismissal application to the Fair Work Commission but not when a section 40K Declaration of serious misconduct has been made by the Commissioner, as per section 69B of the Act.

Complainants, including AFP appointees who are not satisfied with the outcome of any complaint may approach the Commonwealth Ombudsman with their concerns.

Part D – Further information

17. Claims for compensation

An AFP appointee should not make any statement to a complainant regarding the merits of any compensation claim or the liability of the AFP in that matter.

A complainant who has made a claim for compensation in accordance with the Commissioner's Financial Instructions must be advised that their claim for compensation will be referred to AFP Legal.

A complaint or grievance may still be finalised despite issues outstanding in relation to compensation; however, upon finalisation, the Head of Unit, CPRS or MPS must advise AFP Legal of the finding of the matter.

18. Information provided by a detainee

Where a detainee requests to make a complaint, the AFP custodian must act in accordance with section 40SB of the Act.

Where a detainee appears to be under the influence of alcohol or drugs and wishes to make a complaint, the complaint recipient must make an official record of the detainee's request.

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As soon as it is determined that the detainee is no longer under the influence or upon the release of the detainee, the complaint recipient must discuss the complaint request with the detainee. If the detainee then wishes to proceed, the AFP appointee must submit the complaint via the relevant IT system, or otherwise as outlined in section 9 of this guideline.

19. Former AFP appointees

In accordance with section [40RH\(2\)\(a\)](#) of the Act, an AFP conduct issue includes all conduct while a person is an AFP appointee, even if that person has since ceased to be an AFP appointee.

These complaints must be assessed by the Resolution team and/or PRS and managed in accordance with this guideline and Part V of the Act.

20. Confidentiality

Complaint management information must be treated in confidence. Information may only be recorded, divulged, communicated or otherwise used to ensure the good order, administration or discipline of the AFP. The use of information must be consistent with section 60A of the Act, section 18 of [CO2](#) and section 28 of the [Australian Federal Police Regulations 2018](#) (Cth).

21. Mandatory training

All PRS and Resolution team investigators must have successfully completed the [AFP Workplace Investigations Training](#) on iAspire, and should successfully complete the Administrative Investigations training program prior to beginning any investigation. Approval to depart from these requirements may be obtained from the Head of Unit, CPRS or MPS if the investigator believes they have completed a relevant program or have relevant experience.

22. Category 1 and 2 complaints allocated prior to 1 March 2023

Existing Category 1 and 2 complaints that have been allocated to a CMT prior to 1 March 2023 will continue to be the responsibility of and managed by the CMT through to resolution. The PRS Complaints Coordination Team (CCT) will continue to undertake quality assurance on these matters.

For the avoidance of doubt, Category 1 and 2 matters received after 28 February 2023 will be the responsibility of and managed by Resolution team through to resolution.

23. Further advice

Queries about this guideline should be referred to PRS.

24. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Categories of Conduct Determination](#) (Cth)

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- [Australian Federal Police Regulations 2018](#) (Cth)
- [Law Enforcement Integrity Commissioner Act 2006](#) (Cth)
- [Ombudsman Act 1976](#) (Cth)

AFP governance instruments

- [AFP Commissioner's Order on governance \(CO1\)](#)
- [AFP Commissioner's Order on professional standards \(CO2\)](#)
- [AFP National Guideline on integrity reporting](#)
- [AFP National Guideline on public interest disclosure](#)
- [AFP National Guideline on the Confidant Network](#)
- [AFP National Guideline on personnel security](#)
- [AFP National Guideline on conflicts of interest](#)
- [Better Practice Guide on redeployment or suspension of AFP employees in relation to AFP conduct issues](#)

Other

- [Commonwealth Ombudsman Better Practice Complaint Handling Guide.](#)

25. Shortened forms

ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
DEIS	Direct Engagement Investigation Strategy
EL	Executive Level
CPRS	Commander Professional Standards
MPS	Manager People Strategies
PRS	Professional Standards
PS	People Strategies
SES	Senior Executive Service

26. Definitions

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

- engaged overseas under section 69A of the [Australian Federal Police Act 1979](#) (Cth) (the Act)

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

(See section 4 of the Act.)

AFP conduct issue has the same meaning as defined in section [40RH](#) of the Act.

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

AFP custodian means an AFP appointee who has the immediate responsibility and care for a person in AFP custody.

AFP Hub means the AFP intranet available to all AFP appointees.

AFP member means the Commissioner of police, a deputy commissioner of police or an AFP employee in respect of whom a declaration under section 40B of the [Australian Federal Police Act 1979](#) is in force (i.e. a police officer other than a protective service officer).

AFP practices issue are prescribed in sections [40RI](#) and [40RJ](#) of the Act.

Australian Commission for Law Enforcement Integrity (ACLEI) means the statutory agency which supports the Integrity Commissioner. ACLEI and the Integrity Commissioner are responsible for the detection, investigation and prevention of corruption in the AFP.

Case manager means an AFP appointee who has oversight of an overall Category 1 or Category 2 complaint or grievance and provides a central point of contact to involved parties, as well as updates and communication to the involved parties.

Commander Professional Standards (CPRS) means the position responsible for the management of PRS.

Commissioner means the Commissioner of the Australian Federal Police.

Complainant has the same meaning as contained within [section 40SA](#) of the Act and, for the purposes of this NG, also includes an AFP appointee who raises a grievance.

Complaint means the giving of information pursuant to [section 40SA](#) of the Act.

Complaint management information means information obtained when recording, investigating or managing a complaint.

Complaint Management Team (CMT) means a team, prior to 28 February 2023, responsible for managing AFP Category 1 and Category 2 conduct issues and associated practices issues relevant to their area of responsibility or otherwise assigned to it.

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Complaint recipient means any AFP appointee who receives information that raises a conduct or practices issue and who, for a complaint involving a Category 1 conduct issue, may:

- informally attempt to resolve it pursuant to section 9 of this guideline
- refer it to the area of responsibility for attempted resolution.

Confidant Network and Safe Reporting team forms part of the People and Culture Command function and refers to the network of AFP appointees established by the AFP National Guideline on the Confidant Network. It is a peer support network that provides information, options and support to appointees dealing with concerns around harmful, unethical or inappropriate behaviour in the work environment. This includes, but is not limited to, corruption, other breaches of AFP professional standards and matters relating to sexual assault, sexual harassment, bullying and harassment within or connected to the workplace.

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

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

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

Contravention of professional standards has the same meaning as in section 10 of [CO2](#) and is dealt with by the complaint process within the AFP Complaint Management Framework.

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

Corruption issue has the same meaning as defined in [section 7](#) of the LEIC Act. Corruption issues are categorised as Category 4 in the relevant IT system.

Detainee means a person who is in the custody and control of an AFP appointee.

Grievance means any issue/dispute/problem that does not constitute a complaint under Part V of the Act. A grievance may arise between AFP appointees and/or between an appointee and the AFP.

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Head of the Unit means the position instrumented as the Head of the Unit constituted under section [40RE](#) of the Act and refers to head of PRS. Refer to [AFP Delegations and Authorisations Collection](#).

Informal resolution includes mediation, conciliation or the provision of further relevant information. Informal resolution provides significant flexibility to a complainant or aggrieved person and the Resolution team to identify an appropriate method for addressing a complaint or grievance.

Integrity Commissioner means the Integrity Commissioner appointed under [section 175](#) of the LEIC Act.

Integrity framework is based on the four areas of prevention, detection, response and investigation, and continuous improvement. The integrity framework's purpose is to ensure the AFP's professional standards are upheld.

Minor misconduct has the same meaning as under section [40RO](#) Category 2 conduct in the Act.

National Manager People and Culture Command (NMPCC) is the SES Band 2 responsible for the People and Culture Command and includes 'Assistant Commissioner' where the role is undertaken by a sworn officer.

Professional Standards (PRS) means the business area responsible for managing the integrity framework of the AFP and investigating Category 3 conduct issues and corruption issues, and associated practices issues relating to conduct engaged in by AFP appointees. PRS has the same meaning as Professional Standards Investigation Unit (PRSIU) as prescribed in section [40RD](#) of the Act.

PRS Investigator is someone who undertakes an investigation into Category 3 and corruption complaints.

Professional standards of the AFP has the meaning given by Part A of [CO2](#).

Professional Standards Panel has the same meaning given in [CO2](#).

Professional Standards Panel delegate / Senior Executive Service (SES) Panel delegate has the same meaning given in [CO2](#).

Resolution team means the team within the AFP responsible for the management of all incoming complaints, grievances and practice issues. It is also responsible for management/investigation of grievances and Category 1 and 2 complaints.

Resolution team investigator means someone who undertakes Category 1 and Category 2 complaints.

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Reviewer means an AFP appointee, usually Executive Level (Band 9) or above, who has been assigned to review findings and outcomes relating to grievances or Category 1 or 2 conduct issues pursuant to section 15 of this guideline, or grievances.

Sanction has the same meaning given in [CO2](#).

Serious misconduct has the same meaning as given in section [4ORP](#) of the Act.

SES Panel has the same meaning given in [CO2](#).

Significant corruption has the same meaning as in section 5 of the Law Enforcement Integrity Commissioner Act.

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

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

Workplace conflict means the perception or actual occurrence of diverging, opposing, competing or incompatible differences between two or more people in the workplace. Where unresolved, workplace conflict may escalate into a dispute but does not generally amount to misconduct.

Workplace Issues and Complaints Resolution team has the same meaning as Resolution team and means the team within the AFP, responsible for the management of all incoming complaints, grievances and practice issues. Further, it is the team responsible for managing the relevant IT system and is responsible for management/investigation of grievances and complaints with an overall categorisation of Category 1 or Category 2.

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