

# AFP National Guideline on special members and special protective service officers

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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 forms part of the AFP Governance Instrument Framework as defined in the [AFP Commissioner's Order on Governance \(CO1\)](#). The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) and [AFP Commissioners Order on Security \(CO9\)](#) set the framework for the conduct expected of AFP appointees through obligations and best practice to help maintain the safety and security of AFP information, operations, assets and people. Inappropriate departures from the provisions outlined within AFP governance instruments may constitute a breach and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth) (AFP Act).

## 2. Guideline authority

This guideline was issued by National Manager Security and Integrity Command using power under section 37(1) of [the AFP Act](#) (Cth), as delegated by the Commissioner under s. 69C of the Act.

## 3. Introduction

This National Guideline informs AFP appointees of their obligations regarding the appointment of special members and special protective service officers to control the risk of mismanaged or inappropriate appointments, misuse of federal policing powers or non-adherence to the AFP Act, resulting in reputational damage to the AFP and its interests.

## 4. Policy

Special members (SMs) and special protective service officers (SPSOs) are appointed under s. 40E and s. 40EC respectively of the AFP Act to assist the AFP in the performance of its functions and allows utilisation of federal policing powers or protective service powers.

## 5. Operational requirement and risk management

Appointment of AFP SMs or SPSOs must be approved by the appropriate delegate and only occur when there is a necessary and explicit operational and/or administrative need that aids AFP functions.

The AFP remains responsible for all use of its powers, therefore AFP sponsors must ensure that any appointment of SMs or SPSOs to assist with an operation, team activities or AFP operations is adequately reflected in the operation or Command's formal risk assessment and treatment plan (RATP) outlining defensible justification of the operational benefits to the AFP and provide this to the delegate when requesting the appointment.

Due to the risks to the AFP, the appointment of all SMs and SPSOs must be recorded and monitored at both Command and enterprise levels by the Special Member Registrar (SMR) and Assistant Special Member Registrars (ASMRs). No appointments may be made without both levels being formally informed through the Special Member Registrar and Assistant Special Member Registrars, as outlined in the [Special Member and Special Protective Service Officer Handbook \(DOCX, 5.8MB\)](#). Doing so may result in the immediate revocation of the appointment.

## 6. Roles and Responsibilities

### 6.1 AFP sponsor

An AFP appointee seeking SM or SPSO appointment must have a sponsor that is at the level of AFP Coordinator or Superintendent (or above). The sponsor must collate the reasons and justification for a candidate to be appointed as an SM or SPSO.

The sponsor is responsible for ongoing oversight and management of each individual appointment. Where the SM or SPSO candidate requires additional training for the appointment, it is the sponsor's responsibility to arrange it. The sponsor must not be the same person as the delegate.

## Appointment

Upon identifying the requirement for a special appointment, the AFP sponsor must ensure all relevant forms are completed and provided to the Assistant Special Member Registrar (ASMR) including:

- completing a recommendation to the delegate with justification for the appointment
- providing evidence that the SM/SPSO candidate holds an appropriate level of security clearance with the AFP, or has been granted a Certificate of Suitability (CoS) by Personnel Security Vetting in accordance with the [AFP National Guideline on personnel security](#)
  - The home agency security clearance must remain valid for the entire duration of the special appointment.
  - The SM/SPSO must actively maintain their home agency security clearance and adhere to all reporting requirements including overseas travel and any applicable changes to personal or financial circumstances.
  - If there is a break of greater than 6 months between special member appointments, the CoS must be re-completed and assessed by PSV.
  - For further information see the [Special Member & Special Protective Service Officer Handbook \(DOCX, 5.8MB\)](#).
- for any appointment providing Use of Force (UoF) powers, ensuring the SM/SPSO candidate holds relevant and current operational safety / use of force training with their home agency, and providing evidence of the completion and validity of this training
- preparing the instrument of appointment and oath or affirmation to be signed.

This process ensures any risks posed to the AFP by way of granting access to sensitive or security classified information, or the use of federal policing powers or protective service powers are identified and mitigated. Where uncertainty exists as to the need for an appointment, advice must be sought from the Special Member Registrar (SMR), who may engage AFP Legal as required.

## Ongoing responsibilities

After appointment, the sponsor must:

- ensure SMs/SPSOs have their appointment status reviewed at minimum every 6 months, ensuring details in the appointment are accurate

- revoke appointments as soon as it is identified that SM or SPSO powers are no longer required
- notify the ASMR immediately if there are any changes to an SM's/SPSO's duties or employment with their home agency
- liaise with their Command's ASMR as necessary for advice and/or maintenance of special appointments
- ensure all mandatory training and certification requirements (including those related to UoF) are maintained throughout the duration of the appointment
- maintain operational oversight of SM and SPSOs they have nominated for appointment, including any use of AFP powers
- ensure any AFP mandatory reporting requirements relating to UoF, security and integrity as outlined in [AFP Commissioner's Order on Professional Standards \(CO2\)](#), [AFP Commissioner's Order on operational safety \(CO3\)](#), and [AFP Commissioners Order on Security \(CO9\)](#) are completed by the SM/SPSO.

At cessation, revocation, or expiry of the appointment, the sponsor must:

- ensure all AFP equipment is returned as part of the separation process
- ensure the return of any SM or SPSO identification cards to Access Control in accordance with the [National Guideline on physical security and access control](#).

### Transferring sponsorship

The maintenance and sponsorship of SMs and SPSOs is attached to a position, rather than to the individual AFP appointee fulfilling that role. As such, when a sponsor leaves their position, they must ensure that the incoming occupant of the position is made aware of their responsibilities as a sponsor and the SMs/SPSOs they are sponsoring. The outgoing sponsor must also advise the SMR of their departure and replacement.

If there is no direct replacement, the outgoing sponsor must transfer responsibility for the SM/SPSO to a suitable alternative at superintendent or coordinator level or above or cease the appointment.

## 6.2 AFP delegate

The delegate is responsible for reviewing the justifications provided by the sponsor for the appointment of an SM or SPSO and ensuring that satisfactory reasoning has been supplied for granting federal policing powers or protective service powers.

The AFP delegate is responsible for appointing an SM or SPSO on behalf of the Commissioner, under s. 40E or s. 40EC of the AFP Act. The delegate must be satisfied that:

- all the related provisions of the AFP Act are satisfied
- all conditions of this guideline are satisfied
- the justification provided by the sponsor meets satisfactory reasoning for the appointment and is necessary to assist the AFP in the performance of its functions
- the applicant is competent to perform the powers and duties being conferred.

Where the special appointment is no longer required by the AFP, the Commissioner or their delegate must revoke the appointment.

The delegate must not be the same person as the sponsor.

Where uncertainty exists as to the need for an appointment, advice should be sought from the SMR who may engage AFP Legal as required.

The Commissioner may delegate their power to appoint SMs and SPSOs under the AFP Act to a number of delegates as set out in the [Delegations and Authorisations Collection](#) (s. 40E and s. 40EC).

### **6.3 Special member / special protective service officer**

SMs and SPSOs are considered AFP appointees under the AFP Act, and are subject to all AFP appointee requirements in the [AFP Commissioner's Order on Professional Standards \(CO2\)](#), [AFP Commissioner's Order on operational safety \(CO3\)](#), and [AFP Commissioners Order on Security \(CO9\)](#) and all other AFP governance.

The SM/SPSO must:

- ensure all forms provided to them by the AFP in relation to their appointment are accurately completed and returned in a timely manner
- attend any additional training required to facilitate the appointment
- only exercise the specific powers granted to them in their instrument of appointment and do so responsibly
- adhere to all relevant AFP governance as an AFP appointee, including security, integrity, and reporting requirements.

### **6.4 Special Member Registrar (SMR)**

The SMR is a position held by an AFP appointee with primary responsibility for the management of the SM Register and the central administration of SM/SPSOs within the AFP as supported by ASMRs.

The SMR is responsible for the overall compilation and administration of the SM Register and related governance. The SMR is the SM/SPSO subject matter expert and provides advice in consultation with AFP Legal regarding SM/SPSO appointments in accordance with this guideline and the [Special Member and Special Protective Service Officer Handbook \(DOCX, 5.8MB\)](#). The SMR reports to the AFP Inspectorate and the Assistant Commissioner / National Manager Security and Integrity Command with updates to the current appointments held by the agency.

The SMR assists the ASMRs with the facilitation of appointments and ensures that any risks posed by the appointment are sufficiently mitigated.

The SMR must:

- update and maintain the central register of appointments held by the agency, supported by the ASMRs
- provide guidance and assistance to the ASMRs, sponsors and delegates in the appointment process
- ensure appointment documents are completed correctly prior to appointment, and that any risks posed by the appointment are sufficiently mitigated by the supporting documents or evidence provided, including a formal RATP
- maintain the [Special Member and Special Protective Service Officer Handbook \(DOCX, 5.8MB\)](#) in line with any changes to policy or procedures
- engage with AFP Legal where necessary.

## 6.5 Assistant Special Member Registrars (ASMRs)

ASMRs are AFP appointees nominated by their Command to have responsibility for the administration/coordination of SM/SPSO appointments within their Command.

The ASMR works with the SMR and must provide all relevant SM/SPSO documents to the SMR for central recording and inclusion on the SM Register. The ASMR role is not intended to be a full-time role and should form part of the relevant AFP appointee's substantive duties.

The ASMRs must:

- provide advice to sponsors on the necessity of an appointment or if alternative arrangements may be sufficient
- provide sponsors with the appropriate appointment documentation for completion
- maintain a register of appointments for the Command
- notify the SMR of upcoming appointments, and seek endorsement **prior** to an SM or SPSO being sworn in
- provide all relevant appointment documentation to the SMR for central recording and inclusion on the SM Register
- notify the SMR as soon as possible if an SM or SPSO in their Command transfers, resigns, or no longer requires the appointment
- ensure SMs and SPSOs in their Command have their appointment status reviewed at minimum every 6 months, ensuring details in the appointment are accurate
- revoke appointments as soon as it is identified that SM or SPSO powers are no longer required or appropriate
- maintain contact with the sponsors in their Command to confirm existing appointments are still required and assist with arranging formal revocations where they are not.

The SMR may act as an ASMR for SM appointments by Commands that do not have a dedicated ASMR.

## 7. Appointment Process

The [Special Member and Special Protective Service Officer Handbook \(DOCX, 5.8MB\)](#) establishes a clear process for appointing and managing SMs and SPSOs which must be followed. Failure to comply with the Special Member Handbook may compromise the validity of the appointment, place operational procedures at risk and cause severe reputational harm to the AFP.

## 8. Key Issues

### 8.1 Use of Force

Any appointments that provide SMs or SPSOs with UoF powers must be fully justified in the instrument of appointment, including any expectation of:

- defending themselves or another person
- protecting property from unlawful appropriation, damage or interference
- preventing criminal trespass to any land or premises
- effecting an arrest

- where authorised by law.

If UoF powers are required, SMs and SPSOs are subject to the [AFP Commissioner's Order on Operational Safety \(CO3\)](#) and remain subject to the governance and professional standards of their home agency.

## 8.2 Reporting requirements

### Professional Standards

SMs and SPSOs are covered by Part V of the AFP Act and must comply with the AFP's professional standards, the AFP Code of Conduct, and integrity reporting requirements. Where a breach of these standards occurs or is observed, the matter must be reported to Professional Standards (PRS) via an integrity report or through Workplace Issues and Complaints Resolution (WICR). Following receipt of the report, PRS consults with the home agency when required.

### Use of Force

In accordance with CO3, all SMs or SPSOs involved in a reportable UoF, restraint, conducted electrical/energy weapons (CEWs) or unauthorised discharge of a firearm incident, must make a report in accordance with their home agency requirements. All SMs or SPSOs must preserve the incident scene for any evidentiary or investigational requirement.

In addition, a copy of the submitted UoF report (or home agency equivalent) must be provided to the SM or SPSO's sponsor or responsible ASMR as soon as possible, who must forward this report to the SMR for record keeping and oversight.

If the sponsor is aware of a reportable UoF taking place and does not receive a copy of the SM or SPSO's UoF report within 7 days of the reportable incident, the sponsor must complete a UoF report, in accordance with CO3, on their behalf.

### Security incidents

If an SM or SPSO is involved in, or is a witness to, any security incidents as outlined in [CO9](#), they must ensure this is reported to Security Triage and Training via a [Security Incident Report Form \(SIRF\)](#). If the SM or SPSO does not have access to the SIRF, they must notify their sponsor who must submit it on their behalf.



## 8.3 Urgent appointments and waivers

If an urgent short-term appointment is required to form an appropriate operational response, the delegate may choose to request that certain mandatory requirements for appointment are waived temporarily. This decision must be documented, and a justification for the temporary waiver provided to the SMR.

The requirements that may be temporarily waived are:

- SAP commencement forms
- recommendation to delegate form
- evidence of AFP security clearance or an AFP CoS
- evidence of UoF qualifications and training, where the Command can be reasonably assured such qualifications are in place
- other training requirements.

The instrument of appointment and oath or affirmation are mandatory in all appointments and must not be waived. Failure to complete either correctly may result in an invalid appointment and expose the AFP and the appointee to the significant risk of misuse of federal policing powers or protective service powers.

When mandatory requirements have been waived, a record of the powers provided and used must be provided to the SMR.

The sponsor must satisfy all waived mandatory requirements within 8 weeks of the urgent appointment of the SM/SPSO to ensure compliance with AFP governance.

The delegate with the authority to waive mandatory appointment requirements is National Manager Security and Integrity (NMSIC) and must not be the same delegate that endorsed the appointment.

## 9. Revocations and expiry

### 9.1 Revocation

A revocation is required when the execution of the powers, duties or responsibilities of an appointment is no longer required by the particular SM or SPSO. The sponsor and ASMR must review the need for SM/SPSO appointments under their Command every 6 months. If it is identified that the appointment is no longer operationally necessary, a revocation must be made. See the [Special](#)

[Member and Special Protective Service Officer Handbook \(DOCX, 5.8MB\)](#) for details.

Once an appointment is revoked, the SM/SPSO no longer has the powers, duties or responsibilities of an AFP member or PSO.

## 9.2 Expiry

If the appointment is not revoked prior to the end date listed on their instrument of appointment, their SM or SPSO status expires at 11:59pm of the end date. After that date, the SM or SPSO no longer holds any powers, duties or responsibilities conferred or imposed by the appointment.

The sponsor is responsible for the off-boarding process, including the return of AFP assets, identification and cancellation of AFP systems access.

As specified in the instrument of appointment, if the SM or SPSO ceases employment with their home agency, their appointment as an SM or SPSO is no longer valid from that time. The SM or SPSO must notify their sponsor or the responsible ASMR if they are changing roles or resigning from their home agency.

## 10. Further advice

Queries about the content of this guideline should be referred to the [Special Member Registrar](#).

## 11. References

### Legislation

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

### AFP governance instruments

- [AFP Commissioner's Order on operational safety \(CO3\)](#)
- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP Commissioner's Order on security \(CO9\)](#)
- [AFP National Guideline on external agreements](#)
- [AFP National Guideline on personnel security](#)
- [AFP National Guideline on physical security and access control](#)

- [Special Member and Special Protective Service Officer Handbook \(DOCX, 5.8MB\)](#)

## 12. Shortened forms

<b>AFP</b>	Australian Federal Police
<b>ASMR</b>	Assistant Special Member Registrar
<b>CEW</b>	Conducted electrical/energy weapons
<b>CoS</b>	Certificate of Suitability
<b>PRS</b>	Professional Standards
<b>SM</b>	Special Member
<b>SMR</b>	Special Member Registrar
<b>SPSO</b>	Special Protective Service Officer
<b>UoF</b>	Use of Force
<b>WICR</b>	Workplace Issues and Complaints Resolution

## 13. Definitions

<b>AFP appointee</b>	<p>As defined in s. 4 of the AFP Act:</p> <ul style="list-style-type: none"> <li>▪ a Deputy Commissioner</li> <li>▪ an AFP employee</li> <li>▪ a special member</li> <li>▪ a special protective service officer</li> <li>▪ a person engaged overseas under section 69A to perform duties overseas as an employee of the AFP</li> <li>▪ a person engaged under s. 35 as a consultant or independent contractor to perform services for the AFP and determined by the Commissioner under s.35(2) to be an AFP appointee</li> <li>▪ a secondee assisting the AFP to perform its functions under a s. 69D agreement.</li> </ul>

<b>AFP employee</b>	A person engaged under s. 24 of the <i>Australian Federal Police Act 1979</i> (Cth). (excludes deputy commissioners, special members, special protective service officers, persons engaged overseas, secondees, consultants and contractors).
<b>Assistant Special Member Registrar (ASMR)</b>	An AFP appointee nominated by their Command to have responsibility for subject matter expertise regarding Special Members and Special Protective Service Officers within their Command. The ASMR works collaboratively with the SMR.
<b>Delegate</b>	A person delegated to appoint SM under section 40E or a SPSO under s. 40EC of the <i>Australian Federal Police Act 1979</i> (Cth) as per the Instrument of Delegation and Authorisation relating to the <i>Australian Federal Police Act 1979</i> (Cth).
<b>Home agency</b>	The legal employer of a person appointed as a special member or special protective service officer.
<b>Operational safety</b>	Refers to AFP operational safety and use of force requirements set out in the AFP Commissioner's Order on operational safety (CO3) and related AFP governance.
<b>Special Member (SM)</b>	a person who is temporarily appointed by the Commissioner under section 40E of the <i>Australian Federal Police Act 1979</i> to assist the AFP in the performance of its functions and whose powers and duties are specified in the instrument of appointment.
<b>Special Member Register (SM Register)</b>	The central register maintained by the Special Member Registrar, holding details of current, expired and revoked special members and special protective service officers.
<b>Special Member Registrar (SMR)</b>	A designated, full-time position held by an AFP appointee with primary responsibility for the central administration/coordination of special members and special protective service officers within the AFP and the management

	<p>of the SM Register. The SMR is supported by ASMRs located in relevant Commands and provides advice (in consultation and conjunction with AFP Legal) regarding SM/SPSO appointments in accordance with this guideline and the Special Member and Special Protective Service Officer Handbook.</p>
<p><b>Special Protective Service Officer (SPSO)</b></p>	<p>a person who is temporarily appointed by the Commissioner under section 40EC of the <a href="#">Australian Federal Police Act 1979</a> to assist the AFP in the performance of its protective service functions and whose powers and duties are specified in the instrument of appointment.</p>
<p><b>Sponsor</b></p>	<p>An AFP coordinator/superintendent or above who commences the process seeking appointment of an SM/SPSO and is responsible for the ongoing oversight and management of the SM/SPSO and their appointment.</p>

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