



ACT
Government



AFP
AUSTRALIAN FEDERAL POLICE

Purchase Agreement

between the

**ACT Minister
for Police and Emergency Services,**

**Commissioner of the
Australian Federal Police**

and the

Chief Police Officer for the ACT

for the provision of

Policing Services to the ACT

2016-17

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**2016-2017 PURCHASE AGREEMENT BETWEEN
THE ACT MINISTER FOR POLICE AND EMERGENCY SERVICES,
THE COMMISSIONER, AUSTRALIAN FEDERAL POLICE,
AND THE CHIEF POLICE OFFICER FOR THE ACT
FOR THE PROVISION OF POLICING SERVICES TO
THE AUSTRALIAN CAPITAL TERRITORY**

Purpose

1. In accordance with the *Australian Federal Police Act 1979* (the Act), the Australian Federal Police (AFP) provides community policing services to the Australian Capital Territory (ACT). The Act also allows for the Commonwealth and ACT Governments to enter an arrangement for the provision of those policing services.
2. On 28 June 2016, the Commonwealth Minister for Justice and the ACT Police Minister entered into an arrangement which established the enabling framework for the provision by the AFP of policing services to the ACT for a further 12 months. The Arrangement for the Provision of Policing Services to the ACT (Arrangement) requires the Police Minister, the AFP Commissioner and the Chief Police Officer to enter an annual Purchase Agreement (Agreement) for those services. The Agreement is required to set out the details of the goods and services to be purchased by the ACT Government from the AFP, the agreed price for those services and associated performance reporting.
3. This Agreement will be read in conjunction with the 2016 Arrangement.

Parties

4. This Agreement is between the Police Minister, the AFP Commissioner and the Chief Police Officer.

Definitions

5. Unless stated otherwise, definitions in this Agreement are the same as in the Arrangement.

Scope

6. The output classes covered by this Agreement include all the goods and services to be purchased by the ACT Government from the AFP through the direct police budget appropriation. This Agreement does not cover activities funded by revenue outside the direct police appropriation.

7. The ACT Government's purchaser interests covered by this Agreement include:
 - a) the policing outcome and all associated outputs to be provided, listing final goods and services;
 - b) performance measures for the outputs, together with targets where appropriate; and
 - c) performance, financial, resource and complaints reporting.
8. No variation of this Agreement is binding unless it is agreed in writing between the parties.
9. The policing outcome and associated outputs to be provided and any additional payment arrangements known at the commencement of a financial year, performance measures and definitions are contained within this Agreement.

AFP Enterprise Agreements

10. The *AFP Enterprise Agreement 2012-2016* and the *AFP Executive Level Enterprise Agreement 2016-2019* provides the terms and conditions for employment in the AFP. The *AFP Enterprise Agreement* is for the period 8 March 2012 to 8 March 2016 and the *AFP Executive Level Enterprise Agreement* is for the period 9 February 2016 to 1 February 2019. The subsequent *AFP Enterprise Agreement* is under negotiation and will be finalised during the term of the Purchase Agreement.
11. In accordance with clause 15.2 of the 2016 Arrangement, if the AFP Commissioner proposes to vary the terms and conditions of employment of AFP personnel in a way which might affect the manner and cost of providing police services to the ACT, the Commissioner shall, before altering those terms and conditions, consult with and advise the Police Minister of the likely implications of the proposed alterations.

Facilities and Structures

12. In accordance with clause 4.5 of the Arrangement, JACS and ACT Policing Strategic Accommodation Committee governs issues around the provision of appropriate facilities and infrastructure to ACT Policing.

13. The total price of this Agreement includes funding applied by ACT Policing for leasing, maintenance and running costs associated with facilities. The budgeted amount to be applied to facilities leasing, maintenance and running costs by ACT Policing in 2016-17 is \$4,251,000. The budget for this expenditure is based on expenditure incurred in 2015-16. Capital Upgrades Program (CUP) funding of \$257,000 has also been provided to JACS (territorial) for minor capital works on ACT Policing facilities.

Budgeted 2016-17 Facilities Costs	\$
Leasing	\$1,103,000
Maintenance	\$1,754,000
Running Costs	\$1,394,000
Total Recurrent	\$4,251,000
CUP	\$257,000

14. If during the year forecast facilities costs exceed the budgeted amount, ACT Policing will notify the Police Minister of the requirement to apply additional amounts of the total price to meet the additional forecast facilities costs.

Supporting ACT Government Strategies

15. ACT Policing will promote and support a whole of government approach to addressing crime in the ACT community while remaining responsive to changing commitments and adaptive to the needs of the community and the ACT Government.
16. ACT Policing will support ACT Government strategies and initiatives, including capturing and providing relevant information and data. These strategies and initiatives include but are not limited to:
- a) *Property Crime Prevention Strategy;*
 - b) *Blueprint for Youth Justice in the ACT 2012-22;*
 - c) *ACT Prevention of Violence Against Women and Children Strategy 2011-17;*
 - d) *Aboriginal and Torres Strait Islander Agreement*
 - e) *Aboriginal and Torres Strait Islander Justice Partnership;*
 - f) *Road Safety Strategy 2011-20;*
 - g) *Justice Reform Strategy;*
 - h) *Justice Reinvestment Strategy;* and
 - i) *ACT Alcohol, Tobacco and Other Drug Strategy.*

Supporting ACT Government Events

17. The price of this Agreement includes costs to deliver policing services in support of the ACT Government events listed in Schedule 6.
18. The Director-General JACS and the Chief Police Officer may, by joint agreement, negotiate the provision of policing services that will not be subject to cost recovery for other community events that support ACT Government priorities.
19. ACT Policing may seek cost recovery for the provision of policing services to other events that do not fall within the scope of normal policing services in accordance with clause 5.5 of the Arrangement.

Total Price

20. The total price for achieving the outcomes specified in this Agreement is \$154,932,000. The total price includes enabling costs and direct funding of \$232,000 from JACS for crime prevention initiatives.

FTE Number

21. ACT Policing will sustain an average Full Time Equivalent (FTE) for the 2016-17 year of 932 (including enabling) for the provision of community policing services to the ACT. This number acknowledges that actual staffing levels will vary throughout the year as staff cycle in and out of ACT Policing.
22. A review of resource reporting will occur in the course of negotiations for the 2017-18 Purchase Agreement which may result in changes to the FTE number represented in the Agreement.

Billing and Payment Arrangement

23. The AFP will follow the general principles of *Commonwealth Cost Recovery Guidelines* where appropriate in the provision of policing services to the ACT Government.¹
24. Payments to the AFP will be on a pro-rata monthly basis in accordance with the 2016-2017 Appropriation Payment Schedule for ACT Policing.
25. The ACT Government and ACT Policing will develop a process to identify events that will not be covered under a cost recovery process.

¹ RMG No. 304 - Australian Government Cost Recovery Guidelines, July 2014 – Third Edition

Enabling Services Cost Methodology

26. The underlying principle for determining enabling costs is the allocation of effort and cost that would not have been incurred by the AFP but for ACT Policing.
27. To determine the enabling services cost base, only services which are 'integral' are within scope. Integral services are those where there is a dependency or reliance on an activity to deliver community policing to the ACT. The agreed costing model:
- identifies AFP business areas that provide an enabling service to ACT Policing;
 - excludes cost for business areas that have no relationship with ACT Policing; and
 - has been developed to reflect underlying operational structures.
28. The ACT Government and AFP Responsible Officers, as defined under clause 52 of this Agreement, will negotiate and present to ACT Government for consideration, the funding of any variation to enabling services due to a change in demand that may arise as a result of a policy change by the ACT Government, or as referred to the ACT Government by the Chief Police Officer and subsequently endorsed by the ACT Government.

Performance Measures

29. In accordance with the Arrangement, this Agreement contains performance indicators, based on mutually agreed targets, to reflect the performance of ACT Policing during the period of this Agreement.
30. This Agreement recognises that not all performance outcomes are fully within ACT Policing control and may encompass the jurisdiction of a number of public and private institutions and individuals who contribute to the overall results and standings. This Agreement includes a number of measures that provide the ACT community with broader indicators of effectiveness in police performance.
31. It is from this perspective that an outcome-focused performance framework is included in Schedule 1 – Performance Reporting.
32. The outcome-focused framework aims to enhance accountability for the delivery of services and provide clear linkages between ACT Policing's outcomes, outputs, strategies and individual measures.
33. The performance framework incorporates:
- a) Outcomes – the impact the services purchased is expected to have in terms of ACT Government objectives;
 - b) Outputs – the services and capability that is being purchased;
 - c) Strategies – activities undertaken within the input to meet the outcome; and

- d) Performance measures – accountability and measurement of performance through key performance indicators and indicators of effectiveness.

Powers and Obligations

- 34. In accordance with the Arrangement, the Chief Police Officer, subject to the authority of the AFP Commissioner, will be responsible to the Police Minister for the delivery of outputs to achieve the outcomes as set out in Schedule 1 of this Agreement, and the general management and control of AFP personnel and resources deployed for the purposes of the Arrangement.
- 35. Short-term variations to targets and priorities set by this Agreement may be determined by the Police Minister, in accordance with section 8 of the Arrangement, including at the request of the Chief Police Officer, following consultation and with reasonable notice.
- 36. Such variations will be appended to this Agreement and should be within budget limits unless otherwise agreed.
- 37. Subject to section 7 of the Arrangement, the Chief Police Officer will provide services in support of ACT ministerial information requirements which are compliant with ACT Government standards.
- 38. Subject to operational requirements, the Chief Police Officer will ensure timely advice is provided to the Police Minister and the Director-General JACS on any ACT Policing issues that have a significant media or other impact on ACT Government.

Duration and development of Agreement

- 39. This Agreement shall apply for the period 1 July 2016 to 30 June 2017 in accordance with clause 18.1 of the Arrangement.
- 40. An annual timetable for developing the Agreement is detailed at Schedule 5.

Reporting

- 41. The Chief Police Officer shall report to the Police Minister within one calendar month at the end of each quarter, unless otherwise agreed by parties, on those matters prescribed in Schedules 1, 2, 3, 4, 5 and 6 in this Agreement and on the Ministerial Direction.
- 42. The first quarterly report for each financial year will also contain the intended allocation of the direct funding from JACS of \$232,000 for crime prevention initiatives.
- 43. The first quarterly report for each financial year will contain a breakdown of the legal services requested by ACT Policing during the immediate preceding year in accordance with section 13 of the Arrangement.
- 44. The reports will be provided in a format agreed by the parties, covering performance, finance, resources and complaints management and also in a

format suitable to be published, should the Police Minister so choose to do. The reports will also contain relevant explanation, commentary and analysis of their contents.

45. Pursuant to the AFP Professional Standards Framework outlined at Schedule 4 in this Agreement, the AFP will, in accordance with clause 41 of this Agreement, report to the ACT Government on a quarterly basis in relation to complaints management, including with regard to the following matters:

- complaints submitted by category;
- complaint trends/systemic issues;
- complaints submitted by source;
- status of complaints;
- finalised conduct issues by category; and
- conduct issue trends.

46. The Professional Standards report outlined in Schedule 4 will be publicly released by the Police Minister each quarter.

Ministerial Direction

47. In accordance with section 8 of the Arrangement, the Police Minister, for each Purchase Agreement period, may give the Chief Police Officer general directions to give special operational emphasis to particular areas of focus.

48. The Ministerial Direction is documented separately, but will be read in conjunction with this Agreement.

49. The Chief Police Officer shall report to the Police Minister on the Ministerial Direction within one calendar month at the end of each quarter. The report will contain a narrative, including relevant available data where appropriate, on the activities conducted by ACT Policing during the reporting period in support of the Ministerial Direction.

Dispute Resolution

50. The mechanism for resolving disputes arising from this Agreement will be as follows:

- a) in the first instance the ACT Government and AFP Contact Officers listed will use their best endeavours to settle the dispute; and
- b) if after 30 days the dispute is unresolved or the Contact Officers lack the authority to do so, the matter will be referred to the officers listed as the Responsible Officers.

51. For the purposes of this Agreement the Contact Officers will be:

- a) for the AFP, Director Corporate Services ACT Policing on advice from the AFP Chief Operating Officer; and
- b) for the ACT Government, Executive Director, Legislation Policy and Programs Branch, JACS.

52. For the purposes of this Agreement the Responsible Officers will be:

- a) for the AFP, Chief Police Officer in consultation with the AFP Chief Operating Officer; and
- b) for the ACT Government, Director-General, JACS.

53. Any dispute or matter of concern to either party arising from this Agreement that cannot be resolved by the officers nominated at clause 51 or 52 of this Agreement shall be referred to the AFP Commissioner and the Police Minister.

Annual Report

54. The Chief Police Officer shall report annually to the Police Minister on the provision of police services pursuant to this Agreement. The Chief Police Officer will comply with the timelines and processes identified in the Annual Reports (Government Agencies) Notice for the relevant year. The annual report will describe the outcomes achieved during the period reported on and shall include details of the resources utilised, the levels of crime reported and such other matters as may be specified by the Police Minister.

Future Agreements

55. The responsibilities and expectations of ACT Policing continue to evolve with the changing operational environment. The delivery of policing services will remain adaptive and responsive to the changing needs of ACT Government and the community which will inform the development of future agreements.



Simon Corbell MLA

Minister for Police and
Emergency Services

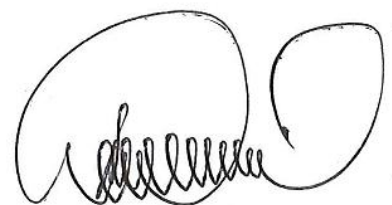
29 June 2016



Andrew Colvin OAM APM

Commissioner
Australian Federal Police

29 June 2016



Rudi Lammers APM

Chief Police Officer for
the ACT

29 June 2016

Schedule 1 – Performance Reporting

The framework for measuring the performance of policing services in the ACT has changed to a contemporary model which incorporates an outcome-focused framework.

Overarching budgetary outcome:

In partnership with the community, create a safer and more secure Australian Capital Territory (ACT) through the provision of quality police services.

This will be achieved through three main areas of activity: Reduce Crime; Public Safety; and Community and Partner Engagement.

The performance measure framework aims to enhance accountability for the delivery of services and provides clear linkages between ACT Policing's outcomes, outputs, strategies and individual measures.

The performance measures are an important element of determining the appropriate allocation of all resources in ACT Policing. Actual performance is rigorously measured and reported upon and, over time, informs decisions about adjustments to performance targets.

The indicators of effectiveness framework was introduced in the 2014-15 Purchase Agreement to separate the indicators contained within this framework from the performance measure framework. This recognises that the performance outcomes for these indicators are not fully within ACT Policing control. There are a number of public and private institutions and individuals who contribute to the overall results and standings of these indicators.

OUTCOME: REDUCE CRIME

Output: Crime Prevention and Reduction

Strategies

Prevent or reduce crime and violence

- Continued support and delivery against the Property Crime Prevention Strategy
- Promote innovative and enduring community crime prevention strategies and programs
- Preventing and reducing opportunities for crime to occur and/or reoccur

Performance Measure

Target

- | | |
|---|---------------------------|
| 1. Number of offences against the person reported or becoming known per 100,000 population ^a | 800 or less ^b |
| 2. Number of offences against the property reported or becoming known per 100,000 population ^a | 8300 or less ^b |

Output: Criminal Investigations and Prosecutions

Strategies

Enhance response to and investigation of offences

- Forge strong partnerships with key stakeholders to facilitate whole-of-government and cross-jurisdictional information sharing and collaboration
- Apply effective technology and forensic science capabilities
- Effectively use intelligence from a wide range of sources

Performance Measure

Target

- | | |
|--|--------------------------|
| 3. Percentage of offences against the person cleared | 72% or more ^b |
| 4. Percentage of offences against property cleared | 15% or more ^b |

Strategies

Effective and efficient support to the judicial process

- Promote a robust partnership between ACT Director of Public Prosecutions, ACT Law Courts, JACS and the community to enhance criminal justice outcomes
- Deliver a high standard of briefs of evidence in a timely manner
- Facilitate a more efficient criminal justice system with emphasis on timely preventative justice measure and judicial process

Performance Measure

Target

- | | |
|--|-------------|
| 5. Percentage of briefs delivered to the Director of Public Prosecutions within the designated timeframes ^f | 75% or more |
| 6. Percentage of cases finalised by offence proved in court ^{g,h,j} | 82% or more |
| 7. Percentage of cases otherwise resolved ^{g,i,j} | 5% or less |

Indicators of Effectiveness

Target

- | | |
|---|--------------------------|
| A. Percentage of persons who are concerned about becoming a victim of physical assault in a public place- excluding sexual assault in the next 12 months ^{a,b,d} | National Average or less |
| B. Percentage of persons who are concerned about becoming a victim of sexual assault in the next 12 months ^{a,c,d} | National Average or less |
| C. Percentage of persons who are concerned about becoming a victim of housebreaking in the next 12 months ^{a,c,d} | National Average or less |
| D. Percentage of persons who are concerned about becoming a victim of motor vehicle theft in the next 12 months ^{a,c,d} | National Average or less |
| E. Percentage of persons who feel safe when walking in their neighbourhood by themselves during the night ^{a,c,d} | National Average or more |
| F. Percentage of persons who feel safe at home alone during the night ^{a,c,d} | National Average or more |
| G. Percentage of persons who perceive the following quality of life issues to be a problem in their neighbourhood: ^{a,c,d} | |
| i. Speeding cars, dangerous or noisy driving | National Average or less |
| ii. Graffiti/vandalism | National Average or less |
| iii. Louts/gangs | National Average or less |
| iv. Drunken/disorderly behaviour | National Average or less |

OUTCOME: PUBLIC SAFETY

Output: Police Response

Strategies	Responsiveness to calls and incidents taking into consideration public and police safety	
	<ul style="list-style-type: none"> Response meets the expectations of community needs Ensure resources meet demands Enhance police responsiveness through mobility solutions 	
Performance Measure		Target
8. Response time for Priority One within 10 minutes		80% or more
9. Response time for Priority Two within 20 Minutes		80% or more
10. Response time for Priority Three where police attention or response is required: <ul style="list-style-type: none"> as determined in consultation with the complainant but, in any event, no later than 48 hours from the initial contact by the complainant 		90% or more
11. Percentage of 000 calls answered on first or second presentation: <ul style="list-style-type: none"> a) On first presentation b) On second presentation 		92% or more 98% or more

Output: Public Order and Emergency Management

Strategies	Effective planning and management of major community events and public demonstrations	
	<ul style="list-style-type: none"> Work with the community and other agencies to contribute to improved events management Review and improve existing arrangements around scheduled annual major public events Conduct post operational assessments with relevant stakeholders to ensure best practice 	
Performance Measure		Target
12. Percentage of the community satisfied with police in dealing with public order problems a,c,d		National Average or more
Strategies	Respond to emergencies and disasters	
	<ul style="list-style-type: none"> Work with partners to develop and maintain preparedness Review and improve multi-agency emergency management and plans and responses Conduct post operational assessment processes with relevant stakeholders to ensure best practice 	
Performance Measure		Target
13. Review and testing of arrangements for responding to and recovering from emergencies and disasters		Annual

Output: Road Safety & Traffic Management

Strategies	Collaborate with partner agencies to improve and promote road safety through education, innovation and targeted enforcement	
	<ul style="list-style-type: none"> Continue to deliver against the ACT Road Safety Strategy and Action Plan Maintain targeted campaigns to align with the ACT Road Safety Calendar Aspire to reduce the annual number of road crash fatalities and serious injuries by at least 30 per cent by 2020 	
Performance Measure		Target
14. Number of road crashes resulting in death per 100,000 population ^a		4.2 or less ^c
15. Number of road crashes resulting in injury per 100,000 population ^a		180 or less ^c

Indicators of Effectiveness	Target
H. Percentage of persons who self-report to driving 10km per hour or more over the speed limit ^{a,c,d}	National Average or less
I. Percentage of persons who self-report to driving while not wearing a seatbelt ^{a,c,d}	National Average or less
J. Percentage of persons who self-report to driving while suspecting they are over the prescribed alcohol limit ^{a,c,d,e}	National Average or less
K. Percentage of persons who self-report to driving when using a mobile phone ^{a,c,d}	National Average or less

OUTCOME: COMMUNITY AND PARTNER ENGAGEMENT

Output: Community Support and Whole-of-Government Collaboration

Strategies	<i>Increase community confidence in police</i> <ul style="list-style-type: none">Develop and deliver innovative communication strategies to share information and foster community participationMaintain the use of social media to provide real time information to support and serve the needs of the communityCollaborate with partner agencies, business and community groups to support community events	
Performance Measures		Target
16. Percentage of the community satisfied in general with services provided by police ^{c,d}		National Average or more
17. Percentage of the community who have confidence in police ^{c,d}		National Average or more
Strategies	<i>Increase support for early intervention and diversion</i> <ul style="list-style-type: none">Collaborate with partner agencies and community groups to prevent and reduce recidivism, prevent repeat victimisation and protect 'at risk'/vulnerable groupsContinued support and delivery against the ACT Aboriginal Justice Partnership 2015-18 to prevent and reduce the number of Aboriginal and Torres Strait islander people coming into contact with the criminal justice systemSupport strategies and initiatives that deter, detect and prevent violence against women and children	
Performance Measures		Target
18. Percentage of eligible ⁿ young people referred to restorative justice ^{kl}		100% ^o
19. Number of persons referred to community support agencies		5500 or more
20. Number of referrals to drug diversion programs (drug demand and reduction effort)		80 or more
Strategies	<i>Enhance and strengthen resilience of communities</i> <ul style="list-style-type: none">Work with community and partners to reduce tolerance for crimeSupport community derived safety and security initiativesBuild relationships with vulnerable community groups	
Performance Measures		Target
21. ACT Policing Victim Liaison Officers providing contact with victims of indictable crime reported to police ^m		80% or more

Indicators of effectiveness	Target
L. Percentage of persons satisfied with most recent contact with police services ^{c,d}	National Average or more
M. Percentage of persons who agree that police perform their job professionally ^{c,d}	National Average or more
N. Percentage of persons who agree that police treat people fairly and equally ^{c,d}	National Average or more

Schedule 1 - Notes

- a. These measures encompass the jurisdiction of a great many public and private institutions and individuals who contribute to the overall results and standings. Success in these targets is not the sole domain or responsibility of ACT Policing.
- b. These targets are based on a five year average, operational environment, crime trends and ACT Government priorities.
- c. These indicators are sourced from the *National Survey of Community Satisfaction with Policing (NSCSP)*, a self-reporting survey conducted by the Social Research Centre.
- d. Using the results of the relevant NSCSP questions, the percentage of the community 'satisfied' in measure 16 equals those who scored 'satisfied' or 'very satisfied'; the percentage of the community who have 'confidence' in measure 17 equals those who scored 'agree' or 'strongly agree'; the percentage of persons 'concerned' in Indicators A-D equals those who scored 'somewhat concerned' or 'very concerned'; the percentage of persons 'who feel safe' in Indicators E-F equals those who scored 'safe' or 'very safe'. Indicator G equals those who scored 'somewhat of a problem' or 'major problem' for each separate problem; the percentage of persons 'self-report to driving' in Indicators H-K equals those who scored 'sometimes', 'most of the time' or 'always'; the percentage of persons 'satisfied' in Indicator L equals those who scored 'satisfied' or 'very satisfied'; the percentage of persons 'who agree' in Indicators M-N equals those who scored 'agree' or 'strongly agree'.
- e. In the ACT, the prescribed limit is 0.000 of alcohol per 100mL of blood for those classed as a 'special driver' in the *Road Transport (Alcohol and Drugs) Act 1977*. 'Special drivers' include those with a learner, provisional, probation, restricted, suspended and disqualified licence. The prescribed limit for all other drivers is 0.050 of alcohol per 100mL of blood.
- f. Briefs delivered to the Director of Public Prosecutions within the designated timeframe include those where a formal extension was applied for and granted.
- g. These measures are based on the concept of a 'case' where a person may be brought before the court on multiple charges. The charges are, for the purposes of this measure grouped under the apprehension identification number which is automatically generated by the PROMIS Case Management System.
- h. This measure records successful prosecutions as being those where any of the charges under one apprehension identification number has been proven before the court.
- i. This measure records cases which resulted in a court appearance where a magistrate or judge has made a determination which is not related to a finding of guilty or not guilty. This currently refers to mental health orders used by a court.
- j. The term "otherwise resolved" includes cases referred to the Mental Health Tribunal, remands by the court before a matter is determined.
- k. It should be noted that a proportion of the young people referred are as a diversion whilst others are referred in conjunction with criminal prosecution.
- l. This target does not include matters where police discretion has determined that no further action or a caution is the most appropriate action.

- m. This indicator measures all cases where ACT Policing Victim Liaison Officers have made initial contact with victims for specific indictable offences reported to police within the reporting period.
- n. Eligible according to s19 of the *Crimes (Restorative Justice) Act 2004*:

19 Eligible offenders

- (1) An offender who commits an offence is eligible for restorative justice if—
 - (a) this Act applies to the offence and the offender under part 4; and
 - (b) the offender—
 - (i) accepts responsibility for the commission of the offence; and
 - (ii) was at least 10 years old when the offence was committed, or was allegedly committed; and
 - (iii) is capable of agreeing to take part in restorative justice; and
 - (iv) agrees to take part in restorative justice.
- o. ACT Policing is required to report on the following against this target in the Quarterly Report:
 - i. Total number of young offenders
 - ii. Total number of ineligible young offenders
 - iii. Total number of Aboriginal and Torres Strait Islander young offenders
 - iv. Total number of ineligible Aboriginal and Torres Strait Islander young offenders
 - v. Reasons why the offenders were deemed ineligible

Schedule 1 – Definitions

Term	Definition
Comparability of Survey of Community Satisfaction with policing results	The <i>National Survey of Community Satisfaction with Policing</i> (NSCSP) was conducted by Roy Morgan Research from 1 July 2006 to 30 June 2010. Since 1 July 2010 the NSCSP is conducted by the Social Research Centre. While the content of the survey remains relatively similar over time, there is some potential for variations in results based solely on the difference in the survey methodologies and survey providers.
Complaint issues	Issues associated with a complaint made in accordance with Part V of the <i>Australian Federal Police Act 1979</i> .
Contact with Victim	<p>ACT Policing Victim Liaison Officers (VLOs) contact victims either via phone, letter or face to face. The VLOs may contact victims of the following indictable offences:</p> <ul style="list-style-type: none"> i. Family Violence; ii. Homicide; iii. Stalking; iv. Assault; v. Sexual Assault (including Acts of Indecency and Indecent Exposure); vi. Kidnapping; vii. Robbery; and viii. Residential Burglary <p>For offences investigated by ACT Policing's Criminal Investigations portfolio, contact with victims is made where necessary after consultation with the relevant case officer.</p>
Custody	<p>The restriction or removal of a person's right to freedom of movement. May also be constructive as a result of a person believing that they may not exercise their free will as a result of dealings with a police officer and is deemed to exist in circumstances where a person:</p> <ul style="list-style-type: none"> i. is in the company, care, custody or control of a member or special ii. member, and is restricted from leaving that company for the time being; iii. is placed in a holding room; iv. is lodged in police cells or an area or facility controlled by police; v. is placed under arrest.
DPP	Director of Public Prosecutions.
Hearing brief of evidence	A collation of all relevant evidentiary material relating to a prosecution to be forwarded to the DPP. It is accepted that for the judicial Process Measures (Numbers 24, 25, 26, 27) the efficiency of other agencies such as the DPP as well as the capacity of victims and witnesses to present their evidence may also affect judicial process outcomes.
Injury	An injury sustained by any person as a result of a collision, which necessitates treatment by a medical practitioner.

Term	Definition
Offence	A breach of the criminal law.
Offence cleared	Offence cleared - Offences that are cleared by any method including, but not restricted to, Arrest, Caution, Summons, Charge withdrawn, Unfounded, Court Attendance Notice, Charge before the court, Diversionary conference, Simple Cannabis Offence Notice, Complaint withdrawn by victim, Offender identified - child under 10 years old, Assault - inadequate evidence to support allegation or Civil reconciliation between offender and victim.
Offences against property	Offences against property include robbery, blackmail, extortion, burglary, fraud, motor vehicle thefts, other theft offences, property damage and environmental offences.
Offences against the Person	Offences against the person include homicide assaults, sexually based offences, kidnap and related offences, other person offences.
Percentage of 000 calls answered on first and second presentation	It is the policy of Telstra to re-present 000 calls to another line after 9 rings in order to maximise the response rate. This is a national standard endorsed by Emergency Services Organisations across Australia. The measurement of response to 000 calls is based on average operating capacity and the target for this measure does not include abnormal instances created by one major event where operating capacity is overloaded due to multiple reporting of the same incident.
Police response	All police attendance to calls for assistance from members of the community that fit within the prioritised response model.
Prioritised response model	The model used by the Computer Aided Dispatch system to prioritise incidents for dispatch of patrols.
Priority One Incident	Life threatening or time critical situations.
Priority Three Incident	There are two possible responses to situations where there is no immediate danger to safety or property. This will be either police attention or police response. Each incident will be managed on a case by case basis in full consultation with the complainant. During that consultation, a determination will be made as to whether the complainant agrees that the matter can be handled over the telephone (police attention) or if attendance is required by Police. If the latter, then attendance must be not later than 48 hours from the initial contact by the complainant.
Priority Two Incident	Situations where the information provided indicates that time is important, but not critical.

Schedule 2 – Resource Reporting

In accordance with clause 41 of this Agreement, the Chief Police Officer will report quarterly to the ACT Minister for Police and Emergency Services on the deployment, operational status and movement of ACT Policing employees. Reporting will include:

- Definitions;
- Designation of staff as per operational and non-operational staff;
- Aggregated number of staff transfers into ACT Policing; and
- Aggregated staff transfers out of ACT Policing.

The Chief Police Officer will give timely advice to the Police Minister on any senior AFP personnel movements or changes. Superintendent rank (or equivalent) and above will be reported in the quarterly reports. Changes to the Deputy Chief Police Officer and Director Corporate Services will be reported at the time of occurrence.

Schedule 3 – Financial Reporting

The Chief Police Officer will provide the following report on a quarterly basis in accordance with clause 41 of this Agreement:

Australian Federal Police ACT Community Policing Financial Performance For the period 2016-17						
	Current Budget 2016-17	Expenditure YTD	YTD Budget	Pro rata Expenditure Rate Based On Phased Budgets	Full Year Estimate	Over/Under (-)
Employee Expenses						
Direct Employee Expenses						
Provision for Recreation Leave						
Provision for Long Service Leave						
Superannuation						
Overtime & Penalties ACT Policing						
Other						
Total Salary Related Expenses						
Administrative Expenses						
Communications Expenses						
Computer Expenses						
Consultants/Contractors						
General Expenses						
Insurance						
Motor Vehicle Expenses						
Office Expenses						
Other Operational Costs						
Property Items Discretionary						
Security						
Staff Expenses						
Training						
Travel Expenses						
Other						
Total Administrative Expenses						
Non-Discretionary						
Property Operating Expenses						
Compensation & Legal						
Depreciation						
Total Non-Discretionary Expenses						
Enabling Expenses						
Human Resources						
Operations Support						
Finance & Commercial						
Legal						
Forensics						
High Tec Crime Operations						
Information and Communications Technology						
Total Enabling Expenses						
Total						

The report will be accompanied by commentary where consolidated node variations exceed 5 per cent of pro-rata phased budgets.

Schedule 3 – Notes

Cost Attribution Methodology

The AFP provides community policing services to the ACT Government on a cost recovery basis. Costs are calculated against defined outputs to be met by the AFP's ACT Policing business unit and some specialised elements from the wider AFP (Enabling). ACT Policing business unit costs are apportioned between the ACT and Commonwealth Governments on the basis of direct and indirect cost attribution. Costs associated with AFP operational and corporate support (Enabling) are determined using *Commonwealth Government Cost Recovery Guidelines* where appropriate. The underlying principle for determining Enabling costs is the allocation of effort and cost that would not have been incurred by the AFP but for ACT Policing.

Schedule 4 – Complaints Reporting

1. AFP Professional Standards is the primary mechanism for maintaining integrity and professional standards in the AFP. The professional standards of the AFP to be complied with by AFP appointees are determined through:
 - The *Australian Federal Police Act 1979*;
 - The *Australian Federal Police Regulations 1979*;
 - Commissioner's Orders;
 - Commissioner's Financial Instructions;
 - The AFP Core Values;
 - The AFP Code of Conduct;
 - Commander's Orders;
 - National Guidelines;
 - Practical Guidelines; and
 - Australian Federal Police policies.
2. The professional standards of the AFP apply to all AFP appointees in Australia, its Territories and overseas.

AFP Core Values

3. Fundamental to compliance with the professional standards of the AFP is a requirement to adhere to the core values of the organisation. The core values of the AFP are as follows:

Value	Description
Integrity	A quality that underpins an individual's soundness of moral principles. It is manifested in their uprightness, honesty and sincerity in their approach to themselves, others and their work.
Commitment	Characterised by dedication, application, perseverance, a belief in a personal capacity and professionalism to achieve and add value.
Excellence	Seeking improvement in everything we do and in the quality of the services we provide.
Accountability	Ownership of work results, personal actions and being answerable for outcomes.
Fairness	Characteristics of impartiality and equity.
Trust	Faith, confidence and being able to rely and depend on others.
Respect	Treating ourselves and all others with consideration.

AFP Code of Conduct

4. Conduct expected of all AFP appointees is expressed in legislative instruments, AFP governance documents and policies and in particular *Commissioner's Order 2, AFP Code of Conduct* and *AFP Core Values*. Fundamental to compliance with the professional standards of the AFP is a requirement to adhere to the *AFP Code of Conduct*. The *AFP Code of Conduct* requires:

- 8.1. An AFP appointee must act with due care and diligence in the course of AFP duties.*
- 8.2. An AFP appointee must act with honesty and propriety in the course of AFP duties.*
- 8.3. An AFP appointee must act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties.²*
- 8.4. An AFP appointee must, at all times, comply with all applicable Australian laws. For this purpose/ Australian law means:*
 - a) any Act, or any instrument made under an Act; or*
 - b) any law of a State or Territory, including any instrument made under such a law.*
- 8.5. An AFP appointee must comply with any lawful direction given by a person who has the authority to give such direction.*
- 8.6. An AFP appointee must disclose, and at all times take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with their AFP duties or employment.*
- 8.7. An AFP appointee must not make improper use of:*
 - a) information obtained directly or indirectly as a result of AFP duties or employment; or*
 - b) duties, status, power or authority as an AFP appointee; in order to gain, or seek to gain, a benefit or advantage for the appointee or for any other person, or for any other improper purpose.*
- 8.8. An AFP appointee must use and manage Commonwealth resources in a proper manner.*
- 8.9. An AFP appointee must at all times behave in a way that upholds the good order and discipline of the AFP.*
- 8.10. An AFP appointee must at all times behave in a way that upholds the AFP core values, and the integrity and good reputation of the AFP.*
- 8.11. While deployed overseas/ an AFP appointee must at all times behave in a way that upholds the good reputation of Australia.*

² Note that this section is taken from Commissioner's Order 2 hence the numbering may appear out of sequence with the body of this document.

In accordance with sections 40RH and 40RJ of the Act, a "conduct issue" is any conduct of an AFP appointee that contravenes AFP professional standards or constitutes corrupt conduct. This also includes failing or refusing to engage in conduct.

A matter is considered a conduct issue even if:

- The subject is no longer an AFP appointee;*
- The conduct occurred before the subject became an AFP appointee; occurred off duty or was private in nature;*
- The conduct by the appointee also involves / implicates someone who is not an appointee;*
- The conduct occurred prior to commencement of Part V of the Act;*
- The subject appointee cannot be identified.*

Lawful and reasonable off-duty or private conduct will not be investigated unless the conduct has a bearing on AFP professional standards.

Compliance

5. Compliance with the professional standards of the AFP is the responsibility of every AFP appointee.

Contravention of professional standards

6. Where an AFP appointee becomes aware of a contravention of professional standards of the AFP by any AFP appointee, that appointee must report the contravention in accordance with the requirements of Commissioners Order 2.
7. A contravention of the professional standards of the AFP may be an AFP conduct issue (which includes corrupt conduct) pursuant to Part V of the Act.

Complaint management methodology and processes

8. Part V of the Act establishes procedures by which:
 - a) AFP conduct issues;
 - b) AFP practices issues; and
 - c) other issues related to the AFP may be raised and dealt with.
9. AFP conduct issues are dealt with in accordance with their seriousness and as defined by their category. Wherever possible, less serious matters are dealt with by management action. More serious matters are generally investigated by Professional Standards Investigations.

AFP conduct issues

10. Part V of the Act deals with the categorisation of AFP conduct issues and the complaints management framework for the AFP. The four categories of conduct issues are outlined in **Attachment 1** to this schedule.
11. Pursuant to s. 40RM of the Act, the Commissioner and the Commonwealth Ombudsman may, by agreement, determine that conduct of a particular kind will be categorised as a Category 1, 2 or 3 conduct issue.

Complaints by Members of the Public

12. The AFP supports the rights of members of the public to complain. Members of the public can complain about:

- the conduct or actions of individual AFP appointees, or
- the practices and procedures of the AFP.

13. A complaint can be made even in circumstances where:

- the conduct or actions of the appointee occurred outside of Australia,
- the appointee was off-duty and their conduct breaches the AFP professional standards, or
- the complainant cannot fully identify the AFP appointee concerned.

How Members of the Public Lodge a Complaint

14. A complaint must be lodged directly with the AFP. A complaint can be lodged by:

- completing an online form at https://forms.afp.gov.au/online_forms/complaints_form;
- attending or telephoning any AFP police station or office,
- contacting or writing to Professional Standards, or
- the Commonwealth Ombudsman.

Complaint Management Teams

15. A Complaint Management Team (CMT) is established in ACT Policing.

16. The functions, roles and establishment of CMTs will be in accordance with the AFP National Guideline on Complaint Management.

Professional Standards investigations

17. Professional Standards Investigations (PRSI) is based in most AFP offices and some overseas missions. PRSI is headquartered at AFP HQ in Canberra and provides professional Standards investigations services to ACT Policing. Within the Professional Standards tiered model, PRSI investigate Category 3 conduct matters and, in consultation with other agencies, may investigate some corruption matters in support of the Australian Commission for Law Enforcement Integrity (ACLEI). Appointees outside of the PRSI portfolio can also be empowered to conduct investigations on behalf of PRSI.

18. Although the AFP Commissioner and the Law Enforcement Ombudsman may determine what comprises a Category 3 matter, such matters are limited to conduct that does not raise a corruption issue. Potential outcomes that may be applied to an AFP appointee for an established Category 3 matter include training and development and remedial action as described in Category 2; termination action and/or criminal charge.

19. An investigator of a Category 3 or Corruption matter, in addition to normal police powers of investigation, may for the purposes of the investigation

utilise certain powers bestowed on such investigators by Part V of the *AFP Act 1979*. These powers include directing appointees to give information, produce documents or answer questions as well as being able to enter premises occupied by the AFP and to inspect certain material.

The Commonwealth Law Enforcement Ombudsman

20. Whilst AFP Professional Standards (PRS) is responsible for resolving complaints about the actions of AFP appointees in accordance with Part V of the *Australian Federal Police Act 1979*, the Commonwealth Ombudsman has a role in providing independent oversight of such matters.

21. If a complainant remains dissatisfied after making a complaint to the AFP, then that person can make a complaint to the Commonwealth Ombudsman under the *Ombudsman Act 1976*.

22. The person can complain about the conduct or actions of individual AFP members; or the policies or procedures of the AFP as an agency.

Reporting of ACT Policing Complaint Matters

23. Quarterly reporting of ACT Policing complaint matters will occur in accordance with clauses 44 and 45 of this Agreement and will cover such matters as:

- Complaints submitted by category (Attachment 1);
- Complaint trends, systemic issues;
- Complaints submitted by source;
- Status of complaints;
- Finalised conduct issues by category; and
- Conduct issue trends.

Category	Description
Category 1 conduct	<p>Category 1 conduct is inappropriate conduct that:</p> <ul style="list-style-type: none">i. relates to minor management matters or customer service matters; orii. reveals a need for improvement in the performance of the AFP appointee concerned; andiii. conduct of that kind does not warrant being treated as category 2 or 3 conduct.
Category 2 conduct	<p>Category 2 conduct is:</p> <ul style="list-style-type: none">i. minor misconduct by an AFP appointee; orii. inappropriate conduct that reveals unsatisfactory behaviour by an AFP appointee; and <p>conduct that:</p> <ul style="list-style-type: none">i. would otherwise be category 1 conduct; andii. warrants, because of its repeated nature, being treated as category 2 conduct; andiii. does not warrant being treated as category 3 conduct.
Category 3 conduct	<p>Category 3 conduct is:</p> <ul style="list-style-type: none">i. serious misconduct by an AFP appointee; orii. conduct that raises the question of whether termination action should be taken in relation to an AFP appointee; oriii. conduct that involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; andiv. conduct of that kind that does not raise a corruption issue.
Corruption issue	<p>A corruption issue is an issue whether a person who is, or has been, a staff member of a law enforcement agency:</p> <ul style="list-style-type: none">i. has, or may have, engaged in corrupt conduct; orii. is, or may be, engaging in corrupt conduct; oriii. will, or may at any time in the future, engage in corrupt conduct.

Schedule 5 – Annual Timetable for Developing 2017-18 Agreement

Action		Indicative Date
1.	Exchange of letters to commence the negotiation process.	November 2016
2.	Commencement of negotiation.	December 2016
3.	Endorsement of proposed Purchase Agreement by Chief Police Officer and Justice and Community Safety Directorate - Director-General.	End of May 2017
4.	AFP Commissioner and relevant ACT Ministerial agreement to the proposed Purchase Agreement.	June 2017
5.	Signing of Purchase Agreement.	End of June 2017

Schedule 6 – ACT Events included in the price of this Agreement

31 December	New Year's Eve
Early January	Summernats City Cruise
25 January	Australia Celebrates Live
26 January	Australia Day Celebrates
Mid-February	Multicultural Festival
Early-March	Enlighten
Mid-March	Skyfire
Mid-September – Mid-October	Floriade