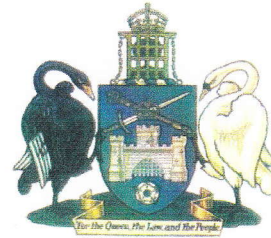




AFP
AUSTRALIAN FEDERAL POLICE



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**

2011–2012

**2011–2012 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 24 June 2011, the Commonwealth Minister for Home Affairs, Justice, Privacy and Freedom of Information and the ACT Minister for Police and Emergency Services entered an arrangement which established the enabling framework for the provision by the AFP of policing services to the ACT. The Arrangement for the Provision of Police Services to the ACT (the Arrangement) requires the ACT Minister for Police and Emergency Services (the ACT Police Minister), the Commissioner and the Chief Police Officer to enter a Purchase Agreement (the Agreement) for those services. The Agreement is required to set out the details of the goods and services to be purchased by the ACT from the AFP, the agreed price for those services and AFP reporting on performance.
3. This Agreement will be read in conjunction with the Arrangement of 24 June 2011.

Parties

4. This Agreement is between the ACT Minister for Police and Emergency Services, the Commissioner of the AFP and the Chief Police Officer for the ACT.

Definitions

5. Unless stated otherwise, definitions in the 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 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'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) financial and resource 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, the price for these outputs, performance measures and definitions are contained within Schedule 1 to this Agreement.

Police Resource Model

10. Once finalised, the Police Demand and Resourcing Model for the ACT currently being developed by the ACT Justice and Community Safety Directorate may be used as a tool to assist in analysing

options for police staffing and in problem resolution. The Model may also be used by the ACT Government and ACT Policing as a strategic tool to inform decisions in relation to determining future police resources to respond to changing demands, trends and policy impacts on policing in the ACT.

AFP Enterprise Agreement 2011-2015

11. The AFP Enterprise Agreement 2011-2015 (AFP EA) will provide the terms and conditions for employment in the AFP for the period 1 July 2011 to 30 June 2015. The AFP EA was still being negotiated at the time of signing this agreement. In accordance with Clause 13.2 of the 2011-16 Arrangement for the Provision of Policing Services to the ACT, 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.

12. The price of services included in Schedule 1 of this Agreement does not consider the effects of the AFP EA. The AFP will submit a request for additional funding when it is finalised and the ACT Government will consider this request.

Facilities and Structures

13. In accordance with Clause 4.7 of the Arrangement, a committee (the Justice and Community Safety Directorate and ACT Policing Strategic Accommodation Committee) has been established. The committee is developing a model for the transfer of responsibility for appropriate support for infrastructure and the maintenance of facilities and structures from ACT Policing to the Justice and Community Safety Directorate. The Committee will need to determine the roles, responsibilities, resourcing and costs related to capital works, maintenance and upgrades.

14. ACT Policing will continue to maintain facilities and structures until a model from the committee is agreed. The price of services included in Schedule 1 of this Agreement does not consider the effects of any transfer of responsibility.

Billing and Payment Arrangement

15. 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

16. Payments to the AFP will be on a pro-rata monthly basis in accordance with the *2011-2012 Appropriation Payment Schedule for ACT Policing*.

Enabling Services Costs

17. Enabling services costs to support new initiatives will be included as part of any ACT Policing budget bids.

18. The Territory and AFP Responsible Officers, as defined under Clause 24 of the Agreement, will negotiate the need to fund additional enabling services on the basis of any extraordinary change in demand that may arise as a result of a policy change by the Territory or by an unforeseen change in social circumstances in the ACT, including as referred to the Territory by the Chief Police Officer. ACT Treasury will be informed of any additional funding requirements that are deemed necessary as soon as practically possible.

¹ *Australian Government Cost Recovery Guidelines*, Department of Finance and Administration Circular 2005/09

Powers and Obligations

19. In accordance with the Arrangement, the Chief Police Officer for the ACT, subject to the authority of the Commissioner of the AFP, will be responsible to the ACT Police Minister for the achievement of the policing outcome and delivery of outputs set out in the Purchase Agreement and the general management and control of AFP personnel and resources deployed for the purposes of the Arrangement.
20. Short-term variations to targets and priorities set by this Agreement may be determined by the Police Minister, in accordance with Clause 8, including at the request of the Chief Police Officer, following consultation and with reasonable notice.
21. Such variations will be appended to this Agreement and should be within budget limits unless otherwise agreed.
22. Subject to Clause 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.

Duration of Agreement

23. The Agreement shall apply for the period 1 July 2011 to 30 June 2012 in accordance with Clause 16.1 of the Arrangement.

Reporting

24. The Chief Police Officer shall report to the ACT 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 and 4 in this Agreement. The reports will be provided in a format agreed by the parties, covering performance, finance and resources and complaints management and also in a format suitable to be published, should the Minister so choose to do.
25. Pursuant to the AFP Professional Standards Framework outlined at Schedule 4 to this Agreement, the AFP will, in accordance with Clause 24, report to the Territory 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.

Dispute Resolution

26. The mechanism for resolving disputes arising from this Agreement will be as follows:
- (a) in the first instance the Territory 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.
27. For the purposes of this Agreement the Contact Officers will be:
- (a) for the AFP, Director, Corporate Services on advice from the AFP Chief Operating Officer; and
 - (b) for the Territory, Executive Director, Legislation and Policy Branch, Justice and Community Safety Directorate.

28. For the purposes of the 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 Territory, Director-General, Justice and Community Safety Directorate.

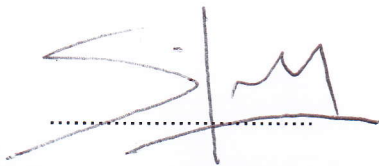
29. Any dispute or matter of concern to either party arising from this Agreement that cannot be resolved by the officers nominated at Clause 27 or 28 shall be referred to the Commissioner and the Police Minister.

Annual Report

30. The Chief Police Officer shall also report annually to the ACT Police Minister, at a time nominated by the ACT Police Minister, on the provision of police services pursuant to the Purchase Agreement.

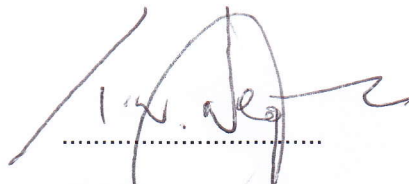
Future Agreements

31. Performance measures recognising services delivered to specific police client groups will continue to be developed for inclusion in the 2012-2013 Purchase Agreement. Specific client groups might include victims of crime, those reporting criminal incidents and those requiring police services for non-crime related matters.



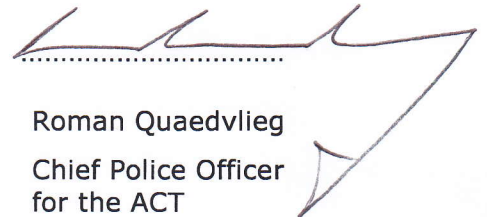
Simon Corbell MLA
Minister for Police and
Emergency Services

(date) 24/6/11



Tony Negus
Commissioner
Australian Federal Police

(date) 24/6/2011



Roman Quaadvlieg
Chief Police Officer
for the ACT

(date) 24/6/11

Schedule 1 – Performance Reporting

Outcome

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

This will be achieved through four main areas of activity: Crime and Safety Management; Traffic Law Enforcement and Road Safety; Prosecution and Judicial Support; and Crime Prevention.

Outputs

Crime and Safety Management	
<ul style="list-style-type: none"> Incident Response and Policing Support for the Community Crime Detection and Investigation <p>ACT Policing will provide a safer and more secure Australian Capital Territory so that members of the community can go about their daily lives without undue fear of crime.</p> <p>This will be achieved by:</p> <ul style="list-style-type: none"> (i) providing efficient and effective police response to calls for assistance received from members of the community; (ii) conducting investigations to detect offenders and bring them to justice; and (iii) maintaining a proactive presence in the community, driven by the analysis of police intelligence data. 	
Output price:	\$94,135,000
Traffic Law Enforcement and Road Safety	
<p>ACT Policing will enforce traffic laws and promote safer behaviour on ACT roads with the objectives of reducing the number of crash fatalities and injuries to members of the community.</p>	
Output price:	\$10,217,000
Prosecution and Judicial Support	
<p>ACT Policing will maximise the number of successful prosecutions in Court by providing support to the Director of Public Prosecutions and the Courts.</p>	
Output price:	\$23,010,000
Crime Prevention	
<p>ACT Policing will seek to reduce and prevent crime through strategies that incorporate government and community cooperation to address risk factors associated with criminal behaviour and recidivism and raise awareness of the community's role in their own safety and security.</p>	
Output price:	\$12,717,000
Total price =	\$140,079,000

The above four main outputs will be achieved through the provision of police resources – including personnel, as defined and explained in Schedule 2 of this Agreement.

The attribution of prices to outputs is indicative of resource prioritisation by outputs and may vary throughout the year according to the operational assessment of the Chief Police Officer. Changes to the total price must be agreed by both parties.

As noted in Clause 11 of this Agreement, the price shown in this Schedule does not include funding for the effects of the AFP Enterprise Agreement 2011-2015 and a request for additional funding will be submitted by the AFP when the Enterprise Agreement is finalised.

Performance Measures¹

Measures	Target
Level of Crime	
1. Number of offences against the person reported or becoming known per 100,000 population. ^a	800 or less ^{b1}
2. Number of offences against property reported or becoming known per 100,000 population. ^a	8500 or less ^b
3. Percentage of offences against the person cleared.	67% or more ^b
4. Percentage of offences against property cleared.	14% or more ^b
Perceptions of Crime	
5. 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,c,d}	National Average or less
6. 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
7. Percentage of persons who are concerned about becoming a victim of housebreaking in the next 12 months. ^{a,c,d}	National Average or less
8. 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
9. Percentage of persons who feel safe at home alone during the day. ^{a,c,d}	National Average or more
10. Percentage of persons who feel safe at home alone during the night. ^{a,c,d}	National Average or more
Police Responsiveness	
11. Response times for Priority One Incidents: <ul style="list-style-type: none"> • Within 8 minutes; • Within 12 minutes. 	60% or more 90% or more
12. Response times for Priority Two Incidents: <ul style="list-style-type: none"> • Within 20 minutes; • Within 30 minutes. 	60% or more 95% or more
13. Response times for Priority Three Incidents: 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

Measures	Target
14. Percentage of 000 calls answered on first or second presentation: <ul style="list-style-type: none"> On first presentation; On second presentation. 	90% or more 98% or more
Public Confidence in Police	
15. Percentage of persons satisfied with most recent contact with police services. ^{c,d}	National Average or more
16. Percentage of persons who agree that police perform their job professionally. ^{c,d}	National Average or more
17. Percentage of persons who agree that police treat people fairly and equally. ^{c,d}	National Average or more
Road Safety	
18. Number of road crashes resulting in death per 100,000 population. ^a	4.2 or less ^b
19. Number of road crashes resulting in injury per 100,000 population. ^a	180 or less ^b
20. Percentage of persons who self-report to driving 10km per hour or more over the speed limit. ^{a,c,d}	National Average or less
21. Percentage of persons who self-report to driving while not wearing a seatbelt. ^{a,c,d}	National Average or less
22. 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
23. Percentage of persons who self-report to driving when using a mobile phone. ^{a,c,d}	National Average or less
Supporting the Judicial Process	
24. Percentage of briefs delivered to the DPP within the designated timeframe. ^f	75% or more
25. Percentage of cases finalised by offence proved in court. ^{g,h}	80% or more
26. Percentage of cases finalised by a not-guilty verdict or otherwise withdrawn. ^{i,j}	18% or less
27. Percentage of cases otherwise resolved. ^{g,j,k}	5% or less
Crime Prevention	
28. Percentage of persons who perceive the following quality of life issues to be a problem in their neighbourhood ^{a,c,d} : <ul style="list-style-type: none"> speeding cars, dangerous or noisy driving graffiti/vandalism louts/gangs drunken/disorderly behaviour 	National Average or less National Average or less National Average or less National Average or less

Measures	Target
29. Number of juveniles referred to diversionary programs ^l	55 or more ^m
30. Number of persons referred to community support agencies.	5100
31. ACT Policing Victim Liaison Officers providing contact with victims of indictable crime reported to police. ^m	75%
32. Number of referrals to drug diversion programs (drug demand reduction effort).	65 or more ^b

Schedule 1 – Notes

1. It must be noted that not all measures contained within this table are fully within the purview of ACT Policing to control or influence.
 - 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 three year average.*
 - b1. *ACT Policing has sought an aspirational target in relation to reported offences against the person for 2011-2012 with the understanding that there are a number of externalities which may adversely impact on the ability of ACT Policing to positively influence outcomes against this measure.*
 - c. *These measures 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 persons 'concerned' in Measures 5-8 equals those who scored 'somewhat concerned' or 'very concerned'; the percentage of persons 'who feel safe' in Measures 9-10 equals those who scored 'safe' or 'very safe'; the percentage of persons 'satisfied' in Measure 15 equals those who scored 'satisfied' or 'very satisfied'; the percentage of persons 'who agree' in Measures 16-17 equals those who scored 'agree' or 'strongly agree'; the percentage of persons 'self-report to driving' in Measures 20-23 equals those who scored 'sometimes', 'most of the time' or 'always'. Measure 28 equals those who scored 'somewhat of a problem' or 'major problem' for each separate problem.*
 - e. *In the ACT, the prescribed limit is 0.00g 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 0.05g of alcohol per 100mL of blood.*
 - f. *Briefs delivered to the DPP 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 where none of the charges under one apprehension identification number have been proven before the court.*

- j. 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.
- k. The term "otherwise resolved" includes cases referred to the Mental Health Tribunal, remands by the court before a matter is determined.
- l. Excludes other agency referrals. Target based on 2008-2009 benchmark year data.
- 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 2011-2012 reporting period.

Schedule 1 – Definitions

Term	Definition
Offence	A breach of the criminal law.
Offences against the person	Offences against the person include homicide and related offences, assaults, sexually based offences, kidnap and other person offences.
Offences against property	Offences against property include robbery, blackmail, extortion, burglary, fraud, motor vehicle thefts, other theft offences, property damage and environmental offences.
Offence cleared	Offences cleared by arrest, caution, summons, charge withdrawn, unfounded, Voluntary Agreement to Attend Court, charge before court, diversionary conference, Simple Cannabis Offence Notice, complaint withdrawn by victim, insufficient evidence to proceed or otherwise resolved.
Comparability of Survey of Community Satisfaction with Policing results	The National Survey of Community Satisfaction with Policing (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.
Prioritised response model	The model used by the Computer Aided Dispatch system to prioritise incidents for dispatch of patrols.
Police response	All police attendance to calls for assistance from members of the community that fit within the prioritised response model.
Priority One Incident	Life threatening or time critical situations.
Priority Two Incident	Situations where the information provided indicates that time is important, but not critical.
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.
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.

Schedule 1 – Definitions

Term	Definition
Complaint issues	Issues associated with a complaint made in accordance with Part V of the <i>Australian Federal Police Act 1979</i> .
Custody	The restriction or removal of a person's right to freedom of movement. May also be <i>constructive</i> as a result of a person <i>believing</i> 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: <ul style="list-style-type: none"> i) is in the company, care, custody or control of a member or special member, and is restricted from leaving that company for the time being; ii) is placed in a holding room; iii) is lodged in police cells or an area or facility controlled by police; or iv) is placed under arrest.
Injury	An injury sustained by any person as a result of a collision, which necessitates treatment by a medical practitioner.
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.
Contact with Victim	ACT Policing Victim Liaison Officers (VLO's) contact victims either via phone, letter or face to face. The VLO's may contact victims of the following indictable offences: <ol style="list-style-type: none"> 1. Family Violence; 2. Homicide; 3. Stalking; 4. Assault; 5. Sexual Assault (including Acts of Indecency and Indecent Exposure); 6. Kidnapping; 7. Robbery; and 8. Residential Burglary For offences investigated by ACT Policing's Criminal Investigations portfolio, contact with victims is made where necessary after consultation with the relevant case officer.

Schedule 2 — Resource Reporting

FTE Number

The ACT Government has agreed to fund the Full Time Equivalent (FTE) of 931 AFP employees engaged in the provision of community policing services to the ACT for financial year 2011-2012. (831 FTE plus 100 FTE enabling). This number is a budgeted figure only, acknowledging that actual staffing levels will vary at any given time.² This budgeted figure is used in this Agreement for information only and not as a performance measure.

Reporting

In accordance with Clause 24 of the Agreement, the Chief Police Officer will report quarterly to the Police Minister 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 Minister on any senior AFP personnel movements or changes (from Superintendent rank (or equivalent) upwards).

² The budgeted FTE number is an annualised figure with actual FTE varying at any time in line with operational requirements. For example, the AFP may deploy additional resources to support ACT Policing in high workload periods such as Christmas/New Year period. Any increase in staffing may then be offset by reductions during low workload periods (winter) in order to remain within annual budgeted levels.

Schedule 3 – Financial Reporting

The Chief Police Officer will provide the following report on a quarterly basis in accordance with Clause 24 of this Agreement:

Australian Federal Police ACT Community Policing Financial Performance For the period 2010-2011

	Current Budget 2010-11	Expenditure YTD	YTD Budget	Prorata Expenditure Rate Based On Phased Budgets	Full Year Estimate	Over/Under (-)
Employee Expenses						
Base Salaries (inc HDA)						
Composite Salaries						
Provision for Recreation Leave						
Provision for Long Service Leave						
Superannuation						
Overtime & Penalties ACTP						
Worker's Compensation - Comcare						
Total Salary Related Expenses						
Administrative Expenses						
Communications Expenses						
Computer Expenses						
Consultants/Contractors						
General Expenses						
Insurance						
Motor Vehicle Expenses						
Office Expenses						
Other Operational Costs						
Security						
Staff Expenses						
Training						
Travel Expenses						
Property Items Discretionary						
Total Administrative Expenses						
Non-Discretionary						
Property Operating Expenses						
Termination Payments						
Compensation & Legal						
Depreciation						
Total Non-Discretionary Expenses						
Enabling Expenses						
People Strategies						
Finance & Commercial						
Learning & Development						
Legal Services						
Forensic & Technical Services						
Professional Standards						
Information Services						
Total Enabling Expenses						
Total						

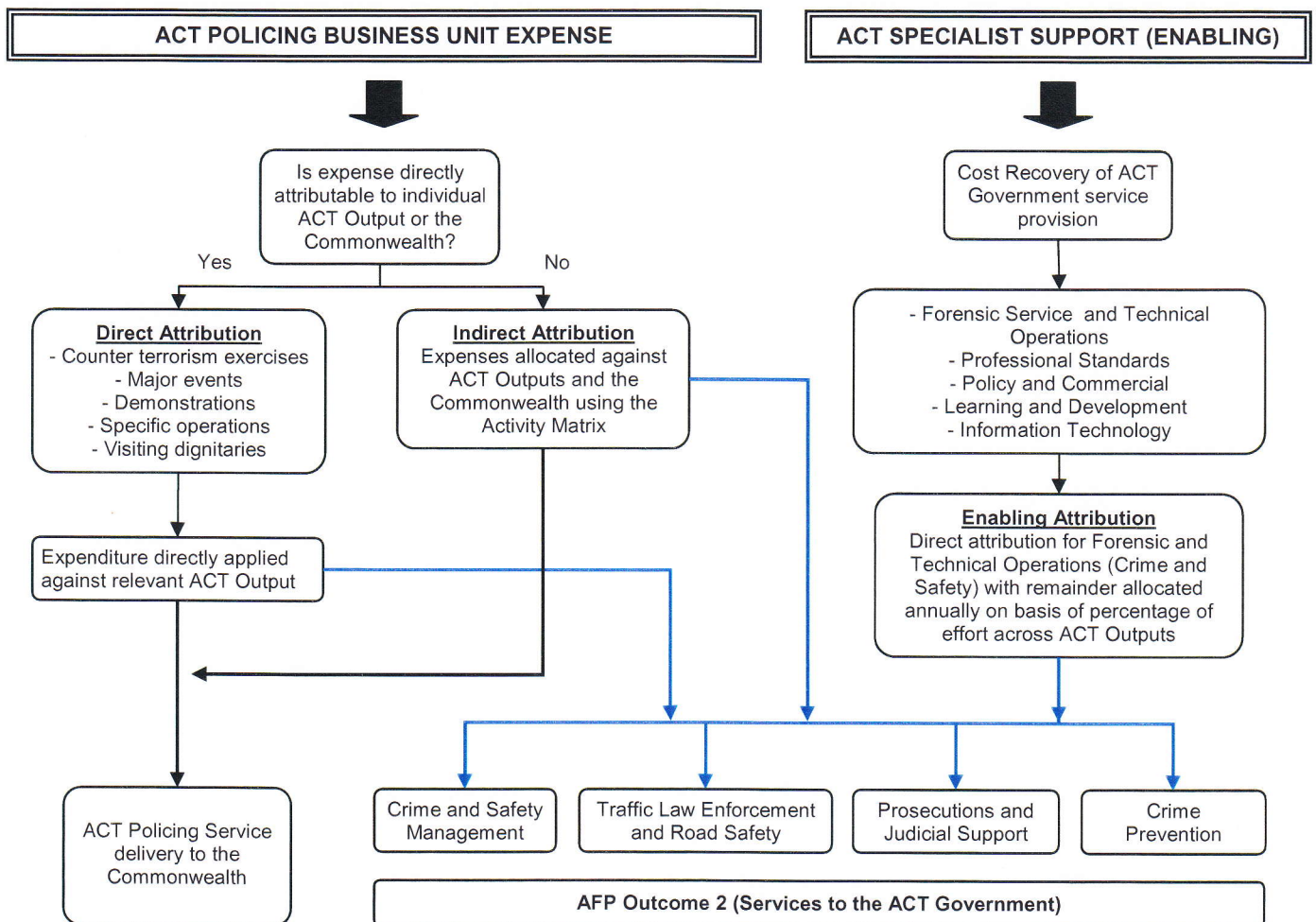
The report will be accompanied by commentary where consolidated node variations exceed 5 per cent of pro-rata phased budgets.

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.

AFP Cost Attribution Diagram



Indirect Attribution

The annual ACT Policing Activity Survey, which is used as an input into the Activity Matrix will be conducted at a time agreed to by the Police Minister and the Chief Police Officer. Any additional surveys or alternative methods of activity recording will be conducted where agreed to by both parties. Any changes to the Activity Matrix will be applied to the Financial Management Information System (FMIS) as soon as practical. No retrospective changes to the Activity Matrix will be made without the agreement of both parties.

ACT Funding Considerations

The following components are part of the ACT considerations for ACT Policing costs to the Territory in 2011-2012:

- (a) ACT Budgeted Full-Time Equivalents (FTE) of 931 FTE (831 FTE plus 100 FTE (enabling)) = \$140,079,000. (As noted in Clause 11 of this Agreement, this figure does not include funding for the effects of the AFP Enterprise Agreement 2011-2015.)
- (b) Annual ACT Policing budget determined by annual budget outcomes with costings for any additional police calculated on level of police officer's experience and skill to perform task. The budgeted figure includes enabling services and incorporates the equalisation contribution for Police provided in the ACT GST pool.³

Schedule 3 – Definitions

Term	Definition
Activity Survey	An annual statistical analysis of ACT Policing activities undertaken over a seven day period to capture and define the more routine tasks performed by ACT Policing which are not readily identified by direct cost-attribution. These tasks are subsequently attributed to either Commonwealth or ACT Outputs delivered by ACT Policing.
Activity Matrix	A table of values derived from a budget weighted average of activity survey data used to allocate indirect costs against ACT Policing Outputs at a cost centre level.
Enabling	Services purchased from the wider AFP such as Information Technology or Forensic Services not within the managerial responsibility of the Chief Police Officer.
FMIS	Financial Management Information System or otherwise known as Accounting System.

³ The equalisation contribution replaces the Special Fiscal Needs (SFN) allowance provided by the Commonwealth in recognition of the ACT not having control over the terms and conditions of employment of AFP employees.

Schedule 4 - Professional Standards of the AFP

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 Act);
- The *Australian Federal Police Regulations 1979* (the Regulations);
- 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.

4. AFP Code of Conduct

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 ⁴:

- 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.

⁴ 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.

- 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.

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; or
- 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 Australian Federal Police 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 (link is: 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

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

Professional Standards portfolio can also be empowered to conduct investigations on behalf of Professional Standards.

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.

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

While 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.

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*.

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

17. Quarterly reporting of ACT Policing complaint matters will occur and will cover such matters as:
 - Complaints submitted by category (see 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; or ii. reveals a need for improvement in the performance of the AFP appointee concerned; and <p>conduct of that kind does not warrant being treated as category 2 or 3 conduct.</p>
Category 2 conduct	<p>Category 2 conduct is:</p> <ul style="list-style-type: none"> i. minor misconduct by an AFP appointee; or ii. 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; and ii. warrants, because of its repeated nature, being treated as category 2 conduct; and <p>conduct of that kind does not warrant being treated as category 3 conduct.</p>
Category 3 conduct	<p>Category 3 conduct is:</p> <ul style="list-style-type: none"> i. serious misconduct by an AFP appointee; or ii. conduct that raises the question of whether termination action should be taken in relation to an AFP appointee; or iii. conduct that involves a breach of the criminal law, or serious neglect of duty, by an AFP appointee; and <p>conduct of that kind that does not raise a corruption issue.</p>
Corruption issue	<p>A corruption issue is when 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; or ii. is, or may be, engaging in corrupt conduct; or iii. will, or may at any time in the future, engage in corrupt conduct.