

Appendix 5

AFP Declaration of Interest Policy

Response to committee question on notice relating to declarations of interest

The issue of conflict of interest is addressed directly through the AFP Practical Guide on Conflicts of Interest and the AFP National Guideline on Operational Conflicts of Interest. The AFP governance also include the instruments listed below which address the aspects of conflicts of interest. These are available under the Information Publication Scheme to the public via the AFP website. These documents are currently under review to ensure they remain contemporary.

- AFP National Guideline on Operational Conflicts of Interest
- AFP National Guideline on Integrity Reporting
- AFP National Guideline on Politically Sensitive Investigations
- AFP National Guideline on References and Testimonials
- AFP National Guideline on Secondary Employment
- Practical Guide on Conflicts of Interest

Background:

The AFP maintains a Governance Instrument Framework to enable AFP appointees' online access to AFP professional standards instruments and other key governance documents. It includes Commissioner's Orders (COs) issued under section 38 of the *Australian Federal Police Act 1979* (Cth) (AFP Act), guidelines issued under section 37 of the AFP Act and Commissioner's Financial Instructions, which constitute Chief Executive Instructions under section 52 of the *Financial Management and Accountability Act 1997*.

Section 39 of the AFP Act requires AFP appointees to comply with COs. The AFP Commissioner's Order on Professional Standards (CO2) and the *Australian Federal Police Categories of Conduct Determination 2006* (issued jointly by the Commonwealth Ombudsman and the Commissioner) sets a compliance regime for AFP conduct and practices issues.

The Commissioner, through CO2, requires AFP appointees to comply with AFP professional standards, including the AFP core values and the AFP code of conduct. It is mandatory for noncompliance to be reported to the AFP's Professional Standards area. A strong component of the AFP's professional standards messaging is for appointees to understand the vulnerabilities associated with decision making where a conflict of interest is identified. To that end, the ethical decision making model was developed by the Professional Standards Unit. This vulnerability is also highlighted in

the AFP's Fraud Control and Anti-Corruption Plan accompanied by appropriate treatments.

While all AFP staff are required by the AFP Code of Conduct to behave with integrity and to avoid or manage conflicts of interest in their employment, SES employees are subject to a specific regime that requires them to submit, at least annually, a written declaration of their, and their immediate family's financial and other interests, that could involve a real or apparent conflict of interest.

The AFP's current governance instruments relating to the requirement to declare a conflict of interest are but one element of a multi-tiered integrity framework that is subject to regular review to ensure contemporary best practice is applied. The intent is to protect the integrity and effectiveness of AFP operations and maintain the confidence of the Government and the community in the integrity of the AFP and its appointees.

The National Guideline on Integrity reporting is currently being reviewed to ensure reporting requirements in relation to potential administrative, operational and personal conflicts of interests are further strengthened.

The guide forms part of the AFP's robust integrity framework that also requires appointees to self report on integrity control measures such as secondary employment, the provision of references and testimonials, declarable associations, change in personal circumstances and financial situation.

It is further supported by internal intranet (Hub) messaging to staff, education and awareness communications and routine induction and training programs.