

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 50

Senator Ludlam asked the following question at the hearing on 8 February 2010:

Without detailing operational matters, please describe the 17 complaints related to information misuse, access or inadvertent disclosure detailed on page 183 of the AFP's 2008/09 Annual Report. What are the categories for minor and major complaints?

The answer to the honourable senator's question is as follows:

The table referred to on page 183 of the 2008/09 Annual Report (table 5, pp 182 - 184) reports the outcomes of complaints that were finalised during the 2008-09 financial year.

Information misuse relates to accidental or unintentional access or disclosure of information which the AFP appointee had a duty not to disclose or should not have had access to.

Part V, Subdivision E of the *Australian Federal Police Act 1979* (the Act) outlines the Categories of Conduct; there are three categories of conduct and a fourth relates to corruption:

- Category one conduct includes minor management matters or customer service matters (s40RN);
- Category two conduct includes minor misconduct by an Australian Federal Police (AFP) appointee or inappropriate conduct that reveals unsatisfactory behaviour by an AFP appointee (s40RO);
- Category three conduct includes serious misconduct that raises the question whether termination action should be taken in relation to an AFP appointee or involves a breach of the criminal law or serious neglect of duty (s40RP); and
- Corruption matters must be reported to the Integrity Commissioner of the Australian Commission for Law Enforcement Integrity (ACLEI) (s19 of the *Law Enforcement Integrity Commissioner Act 2006*). Corruption matters may include abuse of office and perverting the course of justice. These matters may be investigated by ACLEI, referred to the AFP to investigate or be jointly investigated by the AFP and ACLEI (s26).

The *AFP Categories of Conduct Determination 2006* outlines specific categories and codings of complaints. The Categories of Conduct Determination are currently under review by both the Commonwealth and Law Enforcement Ombudsman and the AFP.