



**A report on the
Commonwealth Ombudsman's
activities under Part V of the
*Australian Federal Police Act 1979***

FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015

February 2016

Report by the Commonwealth Ombudsman
under the *Australian Federal Police Act 1979*

**2014-15 Annual Report on the Commonwealth Ombudsman's activities under Part
V of the *Australian Federal Police Act 1979***

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INTRODUCTION

Part V of the *Australian Federal Police Act 1979* (the Act) prescribes the process for recording and dealing with Australian Federal Police (AFP) conduct and practices issues and other issues related to the AFP. An AFP conduct issue relates to whether an AFP appointee has engaged in conduct that contravenes AFP professional standards or engaged in corrupt conduct. An AFP practices issue relates to an issue that raises concerns about the practices and procedures of the AFP.

Information that raises an AFP conduct or practices issue may be given under s 40SA of the Act. The AFP refers to information given under s 40SA of the Act as a 'complaint'.¹

Section 40XA(2) of the Act requires that at least once in each review period, the Ombudsman must inspect the records of AFP conduct issues and AFP practices issues that have been, or are being, dealt with under Part V of the Act during that period.² The purpose of these inspections is to review the AFP's administration of Part V.

Under s 40XB of the Act, the Ombudsman may, at any time, inspect the records of AFP conduct and practices issues for review purposes. This effectively allows the Ombudsman to inspect records that may have been dealt with outside the review period referred to in s 40XA(1). These are referred to as 'ad hoc reviews'.

Section 40XD of the Act requires the Ombudsman to report to Parliament as soon as practicable after 30 June each year on the results of any reviews conducted during the preceding 12 months. This report must include comments on the comprehensiveness and adequacy of the administration of matters under Part V of the Act.

As a result of our reviews, we may make recommendations or suggestions to the AFP to improve its administrative practices.

¹ Section 3 of the *AFP National Guideline on Complaint Management*.

² Section 40XA(1) of the Act defines a review period as the period of 12 months commencing on the day on which the *Law Enforcement (AFP Professional Standards and Related Measures) Act 2006* commenced; and each succeeding period of 12 months. This Act commenced on 30 June 2006.

1. REVIEW OBJECTIVE AND CRITERIA

1.1 Review objective

The objective of this review is to assess the comprehensiveness and adequacy of the AFP's administration of Part V of the Act, which sets out how complaints about AFP conduct or practices issues must be handled. We also assess whether the AFP provides a fair and reasonable complaints management process to both the public and AFP appointees, who may be complainants or the subject of a complaint.

1.2 Review criteria

The following broad criteria were used to make this assessment:

1. How has the AFP performed against its internal timeliness benchmarks?
2. Were category 1 and 2 conduct issues appropriately dealt with?
3. Were category 3 conduct issues and corruption issues (category 4) appropriately dealt with?
4. Were AFP practices issues appropriately dealt with?
5. Were complaints appropriately withdrawn?
6. Were complaints appropriately deleted from the AFP's Complaints Records and Management System (CRAMS)?
7. Did the AFP notify the Ombudsman of all category 3 conduct issues raised during the period?
8. Were ministerially directed inquiries appropriately conducted?

Details regarding the requirements of each criterion and how we assess the AFP against them are provided in full at [Appendix A](#).

In addition to the provisions under Part V, ss 38 and 39 of the Act require adherence to any orders made by the Commissioner of the AFP. For this reason, in developing the review criteria we also had regard to:

- the *AFP Commissioner's Orders on Administration* (CO1)

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- the *AFP Commissioner's Orders on Professional Standards (CO2)*, which establishes AFP internal guidance documents for complaint managers and investigators and relevant standard operating procedures.

We also considered the *AFP National Guideline on Complaint Management* (National Guideline), and the *Commonwealth Ombudsman Better Practice Guide to Complaint Handling* (Better Practice Guide).³

³ The *AFP National Guideline on Complaint Management* includes the Better Practice Guide as a reference item.

2. REVIEW DETAILS

2.1 Review details

This report details the results of two inspections conducted between 1 July 2014 and 30 June 2015 (the review period). During the inspections we considered AFP complaint records finalised between 1 March and 31 August 2014 (the first inspection) and 1 September 2014 and 28 February 2015 (the second inspection).

Tables 2.1 and 2.2 below detail the number of complaint records inspected during the review period.

Table 2.1: Number of finalised complaint records

Overall complaint category	Number of complaints finalised by the AFP	Number of records inspected
First inspection		
Category 1	25	10 (40%)
Category 2	125	32 (26%)
Category 3	65	47 (72%)
Category 4 (corruption issues)	9	10* (100%)
Total – first inspection	224	99 (44%)
<i>* We inspected an additional complaint record containing a corruption issue, which had not been finalised during the inspection period.</i>		
Second inspection		
Category 1	20	4 (20%)
Category 2	111	30 (27%)
Category 3	69	33 (48%)
Category 4 (corruption issues)	14	12 (86%)
Total – second inspection	214	79 (37%)
Total – both inspections	438	178 (41%)

Table 2.2: Number of withdrawn and deleted complaint records

Inspection	Withdrawn complaints	Number of records inspected	Deleted complaints	Number of records inspected
First inspection	7	7 (100%)	39	39 (100%)
Second inspection	2	2 (100%)	48	48 (100%)
Total – both inspections	9	9 (100%)	87	87 (100%)

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Appendix B contains information on the number of conduct issues for each AFP business area for the complaint records inspected in the review period.

3. RESULTS OF THE REVIEW

Overall, our review found that the AFP's administration of Part V of the Act was comprehensive and adequate. The AFP has a comprehensive administrative framework governing the management of complaints it receives, both from members of the public and from AFP appointees, and the AFP administers this framework fairly and reasonably.

While we noted some issues in relation to the complaint management process for a number of complaints, in our view these issues did not generally impact the outcomes of those complaints. We have included in this review a summary of our main findings. Issues of a minor administrative nature were raised with the AFP after each inspection in the review period.

Readers should note that the manner in which a complaint is managed by the AFP will depend upon the overall category of the complaint.⁴

Complaints where the overall classification is category 1 or 2, are managed by Complaint Management Teams (CMT) within relevant AFP business areas. These conduct issues represent less serious conduct such as discourtesy, customer service issues and other conduct that may be regarded as minor misconduct. The CMTs deal with these conduct issues at a managerial level within the workplace where appropriate.

Complaints where the overall classification is category 3 are managed by AFP Professional Standards (PRS), which is the unit established under s 40RD of the Act to undertake investigations into such matters. Category 3 conduct issues represent more serious matters of misconduct, such as an AFP appointee being arrested, summonsed or charged in relation to an alleged criminal offence; excessive use of force where injury is sustained; or serious breaches of *The AFP Commissioners Orders on operational safety* that warrant being dealt with as a category 3 conduct issue.

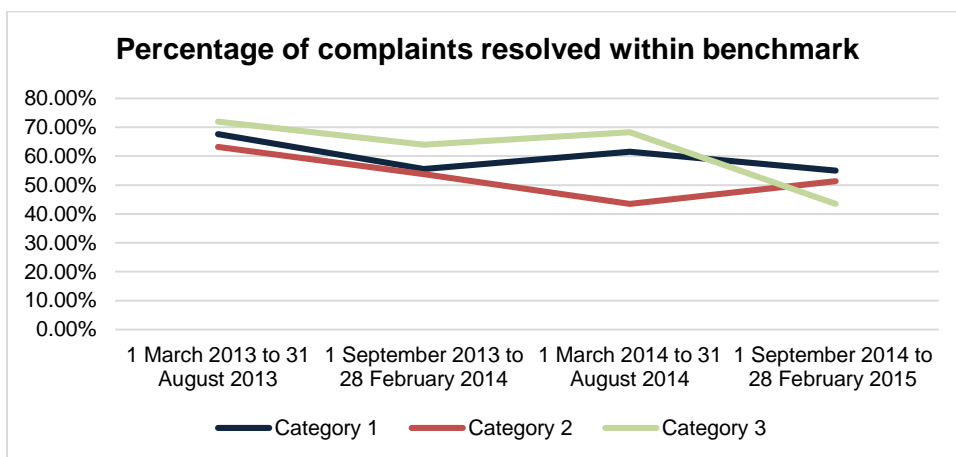
Complaints where the overall classification is category 4 may be managed by PRS, or investigated by the Australian Commission for Law Enforcement Integrity (ACLEI). Category 4 covers conduct which is characterised by corruption issues. Under s 19 of the *Law Enforcement Integrity Commissioner Act 2006*, the AFP must notify the Integrity Commissioner of any conduct classified as category 4, and indicate whether the conduct

⁴ The overall category of a complaint is the highest category issued to a conduct issue within a complaint. For example, where a complaint record contains a category 1 conduct issue of 'Discourtesy' and a category 3 conduct issue of 'Serious Breach of the AFP Code of Conduct', the overall category of the complaint record will be category 3 and it will be managed by the AFP Professional Standards.

represents a significant or systemic corruption issue. For complaints which give rise to significant corruption issues, the Integrity Commissioner will take charge of the complaint investigation under s 20 of that Act.

3.1 How has the AFP performed against its internal timeliness benchmarks?

The following graph demonstrates the AFP's overall performance against this criterion during the current and the preceding review periods, based on information provided by the AFP:



While there has been a drop in the on-time resolution of complaints, we note that for the majority of complaints, the AFP has met its internal benchmarks. Category 4 complaints are not included in the timeliness statistics, as they may or may not be investigated by the AFP.

Further information about this criterion and the AFP's internal benchmarks is available at [Appendix A](#).

3.2 Were category 1 and 2 conduct issues appropriately dealt with?

Overall, we assessed the AFP as having met the requirements of this criterion. However, we identified some exceptions during the inspections, the most significant of which are discussed below. [Appendix A](#) outlines the checks undertaken to form this assessment.

3.2.1 Conflict of interest issues

We noted two instances where complaints were allocated to complaint managers who had been involved in the matter complained about. We are of the view that both of these instances represent a clear and actual conflict of interest. Additionally, in both instances, the conflict of interest was not identified at the time the complaint was allocated for investigation, but rather when the complainants contacted the AFP and identified the issue.

The AFP advised that it noted this finding and acknowledged that the relevant CMT made an error in the assignment of both these matters. The AFP further advised that it has reminded all CMTs of the requirement to carefully manage potential, real and perceived conflicts of interest and to properly record all conflict of interest issues.

3.2.2 Consideration and explanation of relevant evidence

A complaint will be established if the AFP is satisfied, based on the evidence available, that the conduct complained of took place. We identified one complaint where, based on the available information, we were of the view that it would have been appropriate for the conduct issue to have been 'established' rather than 'not established'.

The conduct issue related to an AFP appointee accessing information contrary to the AFP's National Guidelines. Given the AFP appointee's stated reasons for accessing the information were clearly contrary to the guideline, it was not clear how a finding of 'not established' was arrived at.

The AFP advised that it had used its discretion to not establish this matter, noting that deviation from the National Guideline can occur if reasonable and justified in the circumstances.⁵ We did not note advice to this effect during the inspection.

In response to this finding, the AFP acknowledged our concern that there was no advice available to justify a deviation from the National Guideline and this will be addressed for future matters where discretion is used.

3.2.3 Providing AFP appointees with the opportunity to be heard in relation to the matter

Section 40TH(1)(a)(i) of the Act requires that in dealing with an AFP conduct issue, the complaint manager must ensure that the AFP appointee has the opportunity to be heard in relation to the issue.

⁵ *AFP Commissioner's Orders on Professional Standards*, paragraph 9.2.

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We identified one complaint where it appeared that the complaint manager had not attempted to contact the AFP appointee who was the subject of the complaint, or advised the AFP appointee that the conduct issue raised against them had been 'established'. We note that in this case the AFP appointee had left the AFP at the time the complaint was submitted. Regardless of this fact, it appeared that the complaint manager did not comply with s 40TH(1)(a)(i) of the Act in relation to this matter.

The AFP advised that it accepted this finding and has implemented a standard practice for notification letters to include former AFP members.

3.2.4 *Discretion to take no further action*

Section 40TF(2)(c) of the Act provides the AFP the discretion to take no further action in relation to a conduct or practices issue, if the person giving the information about the issue has exercised a right to have the issue reviewed by a court or tribunal and there is no special reason to take further action in relation to the issue.

We identified one complaint where the AFP made the decision to take no further action based on the view that the subject against whom force was used could bring their concerns to the magistrate's attention during court proceedings that had already been initiated. However, in this case, the person 'giving the information' and appearing before the court was not the person against whom the force was used. Therefore, in our view, the use of s 40TF(2)(c) may not have been reasonable in this instance.

3.3 *Were category 3 conduct issues and corruption issues appropriately dealt with?*

Overall we assessed the AFP as having met the requirements of this criterion. However, we identified some exceptions during the inspection, the most significant of which are discussed below. [Appendix A](#) outlines the checks undertaken to form this assessment.

3.3.1 *Notifications to the Integrity Commissioner regarding corruption issues*

Under s 19 of the *Law Enforcement Integrity Commissioner Act 2006*, as soon as practicable after becoming aware of an allegation raising a corruption issue, the AFP must notify the Integrity Commissioner of the allegation. If the AFP indicates that the corruption issue is a significant corruption issue, s 20 of that Act requires any investigation of the allegation to be referred to the Integrity Commissioner for adjudication.

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We identified two complaints where the conduct was classified at category 4 but the Integrity Commissioner had not been notified. Instead, the AFP exercised its discretion under s 40TF to finalise the complaints without taking further action. While noting that the AFP did not consider either complaint to represent a significant corruption issue, given the classification of the conduct, we are of the view that it would have been appropriate for the AFP to have notified the Integrity Commissioner before finalising the complaints.

The AFP advised that it notes this finding and has established new guidance for all ACLEI matters to be immediately referred to the Integrity Commissioner.

3.3.2 Conflict of Interest Declarations

Section 14 of the National Guideline requires PRS investigators to whom a complaint has been allocated to complete a Conflict of Interest Declaration. The AFP has also advised that investigators who conduct preliminary investigations are required to complete a Conflict of Interest Declaration. In assessing this criterion we look for a Conflict of Interest Declaration completed by each investigator for each complaint.

We noted two complaints where a Conflict of Interest Declaration was not available. We also noted five instances where the Conflict of Interest Declaration had only been partially completed, and four instances where it had been signed retrospectively by the investigator who conducted the investigation.

In response to this finding, the AFP acknowledged that incomplete and retrospective declarations are not ideal, and advised that it has reminded relevant areas of the requirement to consider and address real, perceived and potential conflicts of interest.

3.3.3 Contact with complainants

Section 40TA(2) of the Act requires that, so far as practicable, the complainant be kept informed of the progress of the complaint as frequently as is reasonable, and to the extent that is reasonable, in the circumstances.

We acknowledge that contact with the complainant throughout the complaints process will vary depending on the type of complaint and the nature of the investigation. However, we noted several instances where contact with complainants may have been improved. For example, where there was no evidence that PRS formally acknowledged the receipt of a complaint, delays in investigators contacting complainants and a lack of contact to explain delays in resolving the complaint.

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We are of the view that effective contact with complainants at significant stages of an investigation contributes to a transparent complaints management process and better reflects the attention the AFP gives to the management of individual complaints. This is particularly relevant for members of the public who may not be familiar with how the AFP manages complaints.

In response to this finding, the AFP advised that it is currently reviewing standard operation procedures for investigators and CMTs. It will also seek to incorporate the Ombudsman's suggestions into standard practice documentation, emphasising acknowledgement of complaints and contact with complainants.

3.3.4 Exercising discretion under s 40TF of the Act

Section 40TF of the Act provides that the Commissioner may, under certain circumstances, exercise discretion to take no further action in relation to a matter. Based on our understanding of the CO1 delegations, the Manager of AFP Professional Standards (MPRS) may exercise s 40TF discretions with regard to category 4 issues. However PRS Coordinators appear to be restricted to exercising s 40TF discretions to category 3 complaints.

We noted four category 4 complaints where s 40TF decisions were made by a PRS Coordinator, with there being no additional evidence that the MPRS had reviewed and approved these decisions. In these instances it was not apparent that the s 40TF discretion had been exercised by an appropriate delegate.

In response to this finding, the AFP advised that it will ensure s 40TF decisions regarding category 4 matters are made by the MPRS in future.

3.4 Were AFP practices issues appropriately dealt with?

For the complete criteria used to make this assessment, refer to [Appendix A](#). Of the complaint records inspected, 15 made reference to AFP practices issues. For eight of these instances, there was insufficient information to determine whether appropriate action had been, or was being taken, by the relevant business area to address the practices issues.

The AFP has advised that it is attempting to address this issue. Going forward, when PRS sends out a practices issue notification to a business area, it will request a response within a specific timeframe and note that the matter will not be closed until a response is received.

3.5 Were complaints appropriately withdrawn?

For the complete criteria used to make this assessment, refer to Appendix A. Of the nine complaints withdrawn during the review period, we noted one complaint where it was not evident that the complainant had actually requested the withdrawal.

In response to this finding, the AFP advised that it has addressed this issue to ensure complainants' requests for withdrawal are recorded.

3.6 Were complaints appropriately deleted from CRAMS?

For the complete criteria used to make this assessment, refer to Appendix A. Of the 87 complaints deleted from CRAMS during the review period, we assessed 42 as not having been appropriately deleted due to there being no evidence that each deletion had been appropriately authorised.

In response to this finding, the AFP advised that the relevant PRS team has been instructed that no deletions will be made without the proper authorisation being appropriately recorded. The AFP also advised that it was of the opinion that the vast majority of deletions were properly authorised and this was adequately documented, and that it will seek clarification from the Ombudsman on the standard of documentation required to establish compliance.

3.7 Did the AFP notify the Ombudsman of all category 3 conduct issues raised during the period?

Based on the data provided there were 204 category 3 conduct issues for which the AFP should have notified the Ombudsman under s 40TM(1) of the Act. We did not locate notifications for 19 of these issues. However, this may have been a result of the category of the conduct being upgraded or downgraded during the period.

The AFP has previously advised that the classification of a complaint to a particular category may be changed a number of times from the time it is submitted to when it is accepted for investigation. During this period, the use of categories is no more than an administrative process until a PRS Coordinator endorses a particular category. The AFP advised that it will notify our office of all category 3 conduct issues once they have been appropriately endorsed by a PRS Coordinator.

3.8 Were ministerially directed inquires appropriately conducted?

The AFP advised that no ministerially directed inquiries were conducted or finalised during the review period. Therefore no assessment has been made under this criterion.

Colin Neave
Commonwealth Ombudsman

APPENDIX A – DETAILED REVIEW CRITERIA

Below are details of the individual criteria that form the broad review criteria detailed in paragraph 1.2 above.

During the course of an inspection we may note issues of administration that are indirectly related to the inspection criteria detailed below. Given the broad scope of our inspection powers under s 40XA(2) of the Act, we may comment on such issues if we deem it appropriate to do so.

1. How has the AFP performed against its internal timeliness benchmarks?

Under this criterion we assess whether the AFP finalised complaints in accordance with its internal timeliness benchmarks (benchmarks).

The AFP's benchmarks indicate the number of days within which complaints of a particular overall category should be finalised.⁶ New benchmarks came into effect at the end of August 2012. The previous benchmarks still apply to complaints submitted prior to the end of August 2012.

Table A1 below outlines the previous and amended benchmarks. There is no specific benchmark for complaints containing corruption issues given that such complaints are referred to, and may be investigated by, the Australian Commissioner for Law Enforcement Integrity.

Table A1: AFP benchmarks

Overall complaint category	Benchmark prior to, and including, 31 August 2012 (days)	Benchmark after 31 August 2012 (days)
1	21	42
2	45	66
3	180	256

⁶ The overall category of a complaint is the highest category issued to a conduct issue within a complaint. For example, where a complaint record contains a category 1 conduct issue of 'Discourtesy' and a category 3 conduct issue of 'Serious Breach of the AFP Code of Conduct', the overall category of the complaint record will be category 3 and the relevant benchmark will apply.

2. Were category 1 and 2 conduct issues appropriately dealt with?

Under this criterion we have regard to the following:

- whether all conduct issues were identified and categorised in accordance with the 2006 Determination or 2013 Determination
- where a conduct issue may belong to more than one category, the conduct issue was taken to belong to the higher or highest category (s 40RK(6) of the Act)
- the category to which conduct belongs may change as more information is obtained in relation to the complaint (s 40RK(7) of the Act). If the category to which conduct belongs changed, there was a reasonable explanation for the change on the record
- where appropriate, the AFP acknowledged the complaint and explained the complaint process to the complainant (paragraph 4.1 Better Practice Guide; AFP internal guidance documents for complaint managers)
- the complainant was kept informed of the progress of the complaint as frequently as reasonable, and to the extent that was reasonable, in the circumstances (ss 40TA(2) and 40TA(3) of the Act)
- both the complainant (if any) and the AFP appointee had the opportunity to be heard in relation to the conduct issue (s 40TH(1)(a) of the Act)
- the complaint manager identified relevant witnesses and attempts were made to contact them, and relevant independent enquires were made (AFP internal guidance documents for complaint managers)
- the investigation report indicated that relevant evidence was adequately considered (AFP internal guidance documents for complaint managers)
- where a recommendation was made to take no further action in relation to a complaint under s 40TF(2) of the Act, the recommendation was not unreasonable and was made by a delegated person (CO1 Delegations)
- the complaint manager determined what action, if any, was to be taken in relation to s 40TI or s 40TJ of the Act regarding established conduct (s 40TH(1)(c) of the Act)

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- the complaint manager gave consideration to whether the complaint, or information obtained in the course of dealing with the conduct issue, raised an AFP practices issue (s 40TH(d)(i) and (ii) of the Act) and if so, brought the practices issue to the attention of an appropriate AFP appointee (s 40TK(2) of the Act)
- upon completion of an investigation, the Complaint Management Team (CMT) quorum either endorsed the recommendations or applied new findings, and reasons for new findings were recorded (s 22 of the National Guideline)
- the AFP advised the complainant of the outcome(s) of the complaint investigation and provided reasons for the outcome(s) (s 40TA(2)(b) of the Act and paragraph 4.5 of the Better Practice Guide)
- the complaint record contained all relevant information referred to in the investigation report and details of action taken during the investigation (ss 40WA(1) and (2) of the Act).

3. Were category 3 conduct issues and corruption issues (category 4) appropriately dealt with?

Under this criterion we have regard to the following:

- whether all conduct issues were identified and categorised in accordance with the 2006 Determination or the 2013 Determination
- where a conduct issue may belong to more than one category, the conduct issue was taken to belong to the higher or highest category (s 40RK(6) of the Act)
- the category to which conduct belongs may change as more information is obtained in relation to the complaint (s 40RK(7) of the Act). If the category to which conduct belongs changed, there was a reasonable explanation for the change on the record
- the category 3 conduct issue or corruption issue was allocated to an appropriate person for investigation (ss 40TN and 40TP of the Act)
- the investigator completed a Conflict of Interest Declaration form (s 14 the National Guideline)
- where appropriate the AFP acknowledged the complaint and explained the complaint process to the complainant (paragraph 4.1 Better Practice Guide)

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- the complainant was kept informed of the progress of the complaint as frequently as reasonable, and to the extent that was reasonable, in the circumstances (ss 40TA(2) and (3) of the Act)
- both the complainant (if any) and the AFP appointee had the opportunity to be heard in relation to the conduct or corruption issue (s 40TQ(2)(a) of the Act)
- the investigator complied with directions given by the Commissioner or the Manager of AFP Professional Standards (MPRS) as to the manner in which the investigation was to be conducted (ss 40VB(3) and (5) of the Act)
- the investigator obtained sufficient evidence in the course of the investigation (AFP internal guidance documents for investigators)
- where a recommendation was made to take no further action in relation to a complaint under s 40TF(2) of the Act, the recommendation was not unreasonable and was made by a delegated person (CO1 Delegations)
- where category 3 conduct or a corruption issue was established, the investigator recommended appropriate action be taken in relation to the AFP appointee (s 40TR of the Act)
- the investigator gave consideration to whether the complaint or information obtained during the investigation raised AFP practices issues (s 40TQ(2)(b) of the Act) and if so, the investigator identified the practices issue in the s 40TU report (s 40TW(2)(a) of the Act)
- the investigator prepared and submitted a written report of the investigation to the MPRS (ss 40TU(1) and (3) of the Act)
- sufficient evidence to show that recommendations in the s 40TU report were fully considered and appropriate action was taken in relation to the issue (s 40TV of the Act and s 15 of the National Guideline)
- the AFP advised the complainant of the outcome of the complaint investigation and provided reasons for the outcome (s 40TA(2)(b) of the Act and paragraph 4.5 of the Better Practice Guide)
- the complaint record contained all relevant information referred to in the investigation report and details of action taken during the investigation (ss 40WA(1) and (2) of the Act).

4. Were AFP practices issues appropriately dealt with?

Section 40TX(2) of the Act provides that where an AFP practices issue is present in a complaint, or is brought to the attention of an AFP appointee either during the course of dealing with a category 1 or 2 conduct issue or in a s 40TU report, the Commissioner must ensure that appropriate action is taken to have the issue dealt with. In assessing this criterion, we have regard to the AFP's procedures for dealing with AFP practices issues that are identified in complaint investigations.

We may also consider a sample of practices issues to determine whether the AFP has taken appropriate steps to have those AFP practices issues dealt with.

5. Were complaints appropriately withdrawn?

Section 17 of the National Guideline provides that where a complainant indicates a desire to withdraw a complaint, the complaint manager or the responsible CMT shall request the complainant provide a written request to withdraw the complaint which details the reasons for the withdrawal. This process is also detailed in the PRS standard operating procedure (SOP).

We acknowledge that it is not within the AFP's power to compel the complainant to put their request to withdraw a complaint in writing. Therefore, our main consideration when assessing this criterion is that the record as a whole indicates that the complainant requested the withdrawal of the complaint either verbally or in writing, prior to the complaint being withdrawn by the AFP.

6. Were complaints appropriately deleted from the AFP's Complaints Records and Management System (CRAMS)?

Section 18 of the National Guideline provides that a complaint which has been entered into CRAMS may only be deleted if:

- it was entered in error, including where another form of reporting is more appropriate
- it is a duplicate of an existing complaint
- it is deemed to be a non-complaint.

The National Guideline further provides that only authorised appointees may delete a complaint from CRAMS. Within PRS, this is the MPRS or

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the Coordinator of Investigations (Table of Authorisations contained within the *AFP Commissioner's Orders on Professional Standards*).

The PRS SOP requires that prior to deleting a matter, an email must be sent to the PRS Operations Monitoring Centre (PRS OMC) requesting the deletion. Once the PRS OMC has approved the request via return email, the matter can be deleted. In assessing this criterion we have regard to these emails.

7. Did the AFP notify the Ombudsman of all category 3 conduct issues raised during the period?

Section 40TM(1) of the Act requires the AFP to notify the Ombudsman of category 3 conduct issues.

In assessing this criterion, we have regard to s 40TM(1) notifications contained on records within the Ombudsman's office and in AFP administrative files.

8. Were ministerially directed inquiries appropriately conducted?

In assessing this criterion we have regard to provisions under Division 4 of Part V of the Act.

APPENDIX B – AFP BUSINESS AREA CONDUCT ISSUES

Tables B1 and B2 below detail the number of conduct issues contained within the complaints records inspected in the review period, and the business area to which the AFP appointee who was the subject of the conduct issue belonged.

Table B1: First inspection sample – Number of conduct issues by AFP business area

AFP business area	Number of conduct issues	Percentage of total conduct issues
ACT Policing	64	36.78%
Aviation	31	17.82%
Crime Operations	13	7.47%
Forensic and Data Centres	12	6.90%
Unknown	12	6.90%
Counter Terrorism	7	4.02%
International Deployment Group	7	4.02%
Operations Support	7	4.02%
Protection	7	4.02%
Serious and Organised Crime	4	2.30%
High Tech Crime Operations	3	1.72%
Human Resources	3	1.72%
Information Services	2	1.15%
Forensic and Technical	1	0.57%
Intelligence	1	0.57%
Total	174	100.00%

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Table B2: Second inspection sample – Number of conduct issues by AFP business area

AFP business area	Number of conduct issues	Percentage of total conduct issues
ACT Policing	69	43.40%
Serious and Organised Crime	14	8.81%
Human Resources	12	7.55%
Aviation	11	6.92%
Crime Operations	10	6.29%
Policy and Governance	9	5.66%
Unknown	9	5.66%
Operations Support	8	5.03%
Protection	6	3.77%
International Deployment Group	5	3.14%
Forensic and Data Centres	2	1.26%
High Tech Crime Operations	2	1.26%
Information Services	1	0.63%
Intelligence	1	0.63%
Total	159	100.00%