

AFP National Guideline on complaint management

1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
CCT	Complaints coordination team
CMT	Complaint management team
CRAMS	Complaint Recording and Management System
DLM	Dissemination Limiting Marker
LEIC Act	Law Enforcement Integrity Commissioner Act 2006 (Cth)
MPRS	Manager Professional Standards
PRS	Professional Standards
PRSIU	Professional Standards Investigations Unit
PRSOMC	Professional Standards Operations Monitoring Centre

3. Definitions

Australian Commission for Law Enforcement Integrity (ACLEI) – means the statutory agency which supports the Integrity Commissioner. ACLEI and the Integrity Commissioner are responsible for the detection, investigation and prevention of corruption in the AFP.

AFP appointee – means a Deputy Commissioner, an AFP employee, special member or special protective service officer, and includes a person:

- engaged overseas under s. 69A of the [Australian Federal Police Act 1979](#) (Cth) (the Act)
- seconded to the AFP under s. 69D of the Act
- engaged under s. 35 of the Act as a consultant or contractor to perform services for the AFP and determined under s. 35(2) of the Act to be an AFP appointee.

(See s. 4 of the Act.)

AFP conduct issue – has the same meaning as s. 40RH of the Act.

AFP Confidant Network – has the same meaning as in the [AFP National Guideline on the Confidant Network](#).

AFP custodian – means an AFP appointee who has the immediate responsibility and care for a person in AFP custody.

AFP Hub – means the AFP intranet available to all AFP appointees.

AFP practices issue – has the same meaning as s. 40RI of the Act.

Assigned investigator – means a member or special member of the AFP who, in accordance with s.40RF of the Act is assigned as a member of PRSIU created by s. 40RD of the Act.

Commissioner – means the Commissioner of the Australian Federal Police.

Complaint – means the giving of information pursuant to s. 40SA of the Act.

Complainant – has the same meaning as contained within s. 40SA of the Act.

Complaints coordination team (CCT) - means the PRS team responsible for the administration of the Complaint Recording and Management System (CRAMS) and for the quality assurance of all Category 1 and 2 conduct issues and practice issues prior to their finalisation. The PRS CCT liaises with complaint management teams and provides advice to ensure the effective management of complaints within CRAMS.

Complaint manager – means an AFP appointee at or above Band 4 (on the AFP salary spine) and higher than that of the complaint subject, unless a PRS investigator, who may investigate and/or conciliate a Category 1 conduct issue which is not informally resolved within five days, unresolved Category 2 conduct issues and associated AFP practices issues on behalf of a complaint management team chair.

Complaint management team (CMT) – means a management team that manages AFP practices issues and Category 1 and Category 2 conduct issues relevant to its area of responsibility and as authorised by s. 13 of [CO2](#).

Complaint Management Team Chair (CMT Chair) – means an AFP appointee nominated by the Commissioner as the Chair of the relevant CMT (AFP Professional Standards Champion) to deal with Category 1 and 2 conduct issues and practices issues within their area of responsibility. The CMT Chair is also responsible for the PRS outcome determination of all complaint matters.

Complaint Management Team Secretariat – means an AFP appointee, at or above Band 4 (on the AFP salary spine) nominated by the CMT Chair to perform administrative support functions for the CMT.

Complaint recipient – means any AFP appointee who receives information that raises a conduct or practices issue and who may informally resolve a complaint involving a Category 1 conduct issue or AFP practices issue.

Complaint reviewer – means an AFP appointee (usually a Band 9 or above) who has been assigned by the Manager Professional Standards to review findings and outcomes relating to Category 1 or 2 conduct issues.

Conciliation – means the process involving more intervention than mediation, whereby a conciliator may suggest a way to settle the dispute and actively encourage participants to reach an agreement.

Contravention of professional standards – has the same meaning as in [CO2](#) and is dealt with by the complaint process within the AFP Complaint Management Framework.

Coordinator Professional Standards Investigations – means a Coordinator in the Unit created by s. 40RD of the Act, who is responsible for quality assuring PRS investigations involving Category 3 conduct issues and corruption issues.

Corruption issue – has the same meaning as in s. 7 of the [Law Enforcement Integrity Commissioner Act 2006](#) (Cth) (LEIC Act).

Detainee – means a person who is in the custody and control of an AFP appointee.

Head of the Unit – means the person instrumented as Head of the Unit as constituted under s. 40RD of the Act.

Integrity Commissioner – means the Integrity Commissioner appointed under s. 175 of the LEIC Act.

Manager Professional Standards (MPRS) – means the person who is the Manager of PRS.

Minor misconduct - as defined under 40RN Category 1 conduct and 40RO Category 2 conduct in the AFP Act.

Professional Standards (PRS) – means the functional business area referred to as 'PRS' that has the responsibility for managing the professional standards framework of the AFP and investigating Category 3 conduct issues and corruption issues relating to conduct engaged in by AFP appointees.

Professional Standards Investigations Unit – means the unit constituted in accordance with s. 40RD of the Act with the responsibility for the investigation of all Category 3 conduct issues and any corruption issues investigated by PRS.

Professional standards of the AFP – has the meaning given by Part A of CO2.

Professional Standards Panel or Panel – has the same meaning given in [Commissioner's Order 2](#).

PRS Panel Delegate – has the same meaning given in Commissioner's Order 2.

Safe Place – forms part of the Reform, Culture and Standards Portfolio.

Sanction – has the same meaning given in Commissioner’s Order 2.

Serious Misconduct – [as defined under 4ORP Category 3 conduct in the AFP Act](#).

Significant corruption – has the same meaning as in s. 5 of the LEIC Act.

The Act – means the [Australian Federal Police Act 1979](#) (Cth).

The Ombudsman – means the Commonwealth Ombudsman’s Office and Commonwealth Ombudsman who, in accordance with the [Ombudsman Act 1976](#) (Cth), may also be called the Law Enforcement Ombudsman and may investigate complaints about the actions of AFP appointees and about the policies, practices and procedures of the AFP as an agency.

The Regulations – means the [Australian Federal Police Regulations 1979](#) (Cth).

Workplace conflict – means the perception or actual occurrence of diverging, opposing, competing or incompatible differences between two or more people in the workplace. Where unresolved, may escalate into a dispute, but will not amount to misconduct.

4. Guideline authority

This guideline was issued by the National Manager Reform Culture and Standards using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

5. Purpose

The purpose of this guideline is to describe:

- the AFP’s requirements for complaint handling by AFP appointees
- complaint management processes used by AFP appointees in accordance with Part V of the Act.

Part A – Complaint management methodology and processes

6. Introduction

This guideline sets out the obligations for dealing with complaints involving a breach of the professional standards of the AFP.

The approach to dealing with breaches of the professional standards of the AFP places an emphasis on resolving complaints in a modern managerial environment. This philosophy is complemented by the AFP’s commitment to the principle of continual learning and development. This approach provides for:

- the categorisation of complaints according to their seriousness
- the informal resolution of certain types of minor misconduct without resorting to formal processes
- a managerial resolution of minor misconduct that is not resolved informally
- the investigation of more serious matters by the Professional Standards Investigations Unit

(PRSIU)

- the investigation of corruption by either the PRSIU and/or the Australian Commission for Law Enforcement Integrity (ACLEI)
- the referral and management of complaints using a web-based IT application, the Complaint Recording and Management System (CRAMS), which is accessible to all AFP appointees via the AFP Hub.

7. Roles and responsibilities

All AFP appointees must observe the law and maintain the professional standards of the AFP. AFP appointees in supervisory positions must ensure their team members are aware of and comply with the professional standards of the AFP.

Category 1 and 2 conduct issues are allocated to the business area complaint management teams (CMTs) for review and handling, which may include further enquiries.

Pursuant to [CO2](#), an AFP appointee, who becomes aware of an AFP conduct issue or practices issue, must deal with the matter according to this guideline without unreasonable delay, this includes self-reporting.

Where a member of the public wishes to make a complaint or to provide information to an AFP appointee regarding another AFP appointee that may raise a conduct issue, the receiving AFP appointee must record the information of the complaint in CRAMS. The reporting must be made, without unreasonable delay, or otherwise as outlined in the [Complaint Management - User Guide](#).

When considering raising a conduct issue internally, AFP appointees are encouraged to consider if the matter amounts primarily to workplace conflict or a grievance and whether alternative avenues are open to them prior to submitting as a formal complaint under Part V of the AFP Act. AFP appointees who receive or become aware of a complaint in relation to a Category 1 conduct issue or an AFP practice issue may deal with the complaint prior to formal recording pursuant to s. 12 of this guideline.

8. Other forms of reporting

There are other reporting avenues which form an important part of the professional standards of the AFP. They allow appointees to report integrity concerns, suspicious behaviour, security issues and to protect themselves from misconceptions. These matters should not be recorded as complaints unless there are other circumstances around the issues covered that amount to misconduct. The corresponding guidelines detail whether to record these matters as complaints:

- **Integrity reports** – see the [AFP National Guideline on integrity reporting](#).
- **Security incident reports** – see the [AFP National Guideline on personnel security](#).

9. Conduct which must be recorded in AFP CRAMS

The category of the conduct to which the complaint relates will determine how the complaint must be recorded, as per the [Australian Federal Police Categories of Conduct Determination 2013](#) (Cth).

Category 1 conduct issues and practices issues must be recorded in CRAMS if not resolved within five days, as per s. 12 of this guideline.

Category 2 and 3 conduct issues and corruption issues must be recorded in CRAMS.

An AFP appointee cannot make an anonymous complaint on their own behalf or on behalf of another AFP appointee; however, if there is a requirement for the protection of their identity, they may fulfil the reporting obligations of [CO2](#) by reporting through Safe Place, the AFP Confidant Network, or for corruption issues, directly to ACLEI.

All information relating to a Category 1, 2 or 3 conduct issue or corruption issue has a minimum classification of Unclassified, with the DLM of Sensitive: Personal, and must only be recorded within CRAMS and PROMIS Integrity.

The obligation to report conduct issues extends to an obligation for AFP appointees to self-report if they have been arrested, charged or summonsed in relation to a criminal or traffic matter. The fact that an appointee has been arrested, charged or summonsed, in itself, raises an issue as to whether an AFP appointee has contravened the AFP professional standards; however, no assertions will be made until the final court outcome is reached. In these circumstances a self-report is not taken as an admission of guilt in court or for an allegation under Part V of the Act.

Where a conduct issue is identified during the course of formal legal proceedings which, by its nature implies that the legal process is the preferred method to address the issue raised, the Head of the Unit, Manager Legal and MPRS, may determine the reporting requirements on a case-by-case basis. It is reasonable for Manager Legal to exercise judgement in such cases where the complainant, if any, has not expressly indicated a desire to progress the complaint to the AFP.

10. Benchmarks for managing AFP conduct issues

Crucial to the success of the AFP's complaint management is the adherence to [agreed timeframes for complaint resolution](#). Compliance with benchmarks is systematically reviewed as part of the Commonwealth Ombudsman audit under Part V of the Act.

For the purpose of determining compliance with timeliness benchmarks, the complaint investigation process:

- commences as soon as the PRS CCT (for Category 2 conduct issues) or the PRS Operations Committee (OC) (for Category 3 conduct issues or corruption issues) is reported on CRAMS
- is finalised when the AFP appointee(s) subject to the complaint and the complainant (if any) have been notified of the final outcome via an outcome notification letter. Where the complainant is unable to be contacted the complaint manager must record in the assigned case or other official means such as diary entries, the date and time of at least two attempts to make contact. The complaint manager should then communicate in writing to the complainant, advising them that if no contact is received within 7 days the matter will be considered finalised.

11. Managerial approach

The formal complaint management processes detailed in this guideline are not intended to be used for:

- the settlement of minor disagreements and conflict between individuals or groups of

individuals within the workplace (workplace conflict)

- the management of underperformance
- employment related issues – within the scope of s. 40RJ of the Act
- other workplace issues where an AFP appointee raising the workplace issue determines that he or she wishes for the matter to be managed in the workplace and the workplace issue does not raise a serious conduct issue or a corruption issue.

The managerial approach places emphasis on managing minor misconduct, reported as Category 1 and 2 conduct issues and practices issues, in the workplace. This produces a greater organisational focus on effecting a change in inappropriate behaviour in a timely manner.

Wherever possible, conciliation shall be attempted by the AFP appointee authorised to deal with the complaint.

Section 40TH(4) of the Act provides protection for AFP appointees in that information is not admissible against the AFP appointee in any criminal or civil proceedings if that information is provided by an AFP appointee during the course of conciliation to the:

- CMT chair
- person authorised by the manager to attempt to resolve the AFP conduct issue by conciliation (the complaint manager)
- complainant.

12. Resolving issues prior to formal recording

An AFP appointee who receives information (the complaint recipient) that raises a Category 1 conduct issue or AFP practice issue may resolve the complaint without formally recording it within CRAMS. Prior to resolution, the complaint recipient should be satisfied that the complaint is appropriate for informal resolution, or that it arose from a misunderstanding of the facts, law or practice or procedure. The complaint may also be informally resolved if the complaint recipient is satisfied that providing the person with an explanation or taking other action is likely to resolve the issue.

The informal resolution of a Category 1 conduct or practices issue must occur within five days of receiving the complaint. If the complaint recipient is not able to resolve the issue within five days they may seek the assistance of another AFP appointee to resolve the issue; however, the complaint recipient retains responsibility for ensuring that the complaint is resolved within the five days or for the formal recording of the complaint through CRAMS.

A matter is deemed to be a non-complaint when:

- the complaint subject is not or has never been an AFP appointee
- pursuant to s. 40RJ of the Act, the complaint relates to action taken in relation to an AFP appointee's employment which does not involve either contravention of the AFP's professional standards or corrupt conduct, i.e. performance issues
- the complaint relates to an AFP appointee's behaviour that is off-duty, private, lawful and reasonable and does not bring the reputation of the AFP into disrepute
- the complaint does not raise a conduct issue or practices issue in accordance with Part V of the Act.

Authorised AFP appointees, as outlined in [Attachment 1 of CO2](#) may determine that a complaint is a non-complaint.

13. Role of the CMT Chair for Category 1 and 2 conduct issues

A Category 1 or 2 CMT chair has responsibility for ensuring that each complaint referred to the relevant CMT is dealt with appropriately. This includes:

- ensuring the complaint is managed in accordance with the timeliness benchmark set for each category of complaint, pursuant to the Benchmarks for Managing AFP Conduct Issues
- assigning or re-assigning the complaint to a complaint manager, at or above Band 4 (on the AFP salary spine) or the same or higher level than that of the complaint subject
- ensuring each complaint manager completes a [Conflict of Interest Declaration](#) prior to commencing every investigation
- communicating final outcomes to the complaint subject(s) and the complainant (if any).

A CMT chair may assign or re-assign a complaint manager where required without the need for the CMT to convene with a quorum.

Complaints made by persons external to the AFP may be made anonymously or in circumstances where the person giving the information that raises the AFP conduct or practices issue does not wish to be kept informed. In each of these instances, the CMT chair must ensure the complaint manager has taken all reasonable measures to investigate the matter as thoroughly as possible in the circumstances.

14. Dealing with Category 3 conduct issues and corruption issues

Category 3 conduct issues are managed and investigated by the PRSIU in accordance with Part V of the Act and [CO2](#).

Corruption issues are managed and investigated by the PRSIU and/or ACLEI in accordance with Part V of the Act, CO2 and Part 6 Division 1 of the LEIC Act and as agreed between the Commissioner and the Integrity Commissioner.

In addition to any specific powers conferred by Part V, Division 5 of the Act, a PRS investigator has the same duties and responsibilities as a complaint manager.

The Head of the Unit or MPRS may arrange for any AFP appointee to be instrumented into the PRSIU for the purposes of investigating Category 3 conduct issues and corruption issues. Any AFP appointee so instrumented will conduct the investigation in accordance with Part V of the Act, including any directions issued by the Head of the Unit or MPRS, including the completion of [Conflict of Interest Declaration](#).

The Head of the Unit or MPRS may, where appropriate, arrange for any person who is not an AFP appointee to assist the PRSIU for the purposes of investigating Category 3 conduct issues and corruption issues.

The Head of the Unit or MPRS may, where appropriate, arrange for the subject of a complaint to be [suspended or redeployed](#) during ongoing investigations of Category 3 conduct issues and corruption issues.

15. Professional Standards Panel for Category 3 conduct or corrupt

conduct issues

The AFP expects all AFP appointees to maintain the highest ethical standards, adhere to the AFP Values and the Code of Conduct at all times.

From time to time, appointees may fall short of the above. The purpose of sanctions is to protect the interests, resources and reputation of the AFP so as to ensure that the trust and confidence of the public, our stakeholders and government is maintained.

The Commissioner has established the Panel to:

- consider the recommendations in established investigation reports made pursuant to s.40TU of the Act; and
- advise the PRS Panel Delegate, regarding the sanction to be taken under s.40TV of the Act in relation to the issue(s).

Composition

The Panel will comprise the:

- National Manager People Safety and Security (NMPSS);
- National Manager Reform Culture and Standards (NMRCS); and
- an additional senior executive level AFP appointee at the National Manager level on a rotating basis.

NMPSS (or the AFP appointee acting in the NMPSS role) will be the Chair of the Panel and PRS Panel Delegate. If NMPSS is unavailable, and there are no acting arrangements for the NMPSS role, NMRCS will be the Chair of the Panel.

The Panel may also request the attendance of representatives from relevant areas of the AFP as required in an advisory capacity, including PRS and a representative from the relevant line area where the AFP appointee to whom the investigation relates works.

The Chief Counsel and Manager Professional Standards (MPRS), or their delegates, will generally attend all meetings of the Panel in an advisory role.

MPRS has functional responsibility for providing the Secretariat support to the Panel.

The members of the Professional Standards Panel and all attendees at Panel meetings are subject to the *AFP National Guideline on Conflicts of Interest*. Prior to any meeting of the Professional Standards Panel, all participants at the meeting must declare whether they have any interest in the matter under consideration, any association with the AFP appointee whose conduct is being reviewed or any other consideration which may give rise to a potential, perceived or actual conflict of interest. In such cases:

- The Chair will, in consultation with the Chief Counsel, determine the appropriate action to address the conflict.
- Where the actual or potential conflict relates to the Chair, the Chief Counsel will determine the appropriate action to be taken to address the conflict.
- Action to address the conflict may include excluding a member of the Panel from the part of the meeting considering the matter to which the conflict relates.

Where a member of the Panel is excluded from part of the meeting due to an actual or potential conflict of interest:

- If the excluded member is the Chair, the role of Professional Standards Panel Delegate will be performed by NMRCS.
- If the excluded member is not the Chair, the Professional Standards Panel may proceed to consider and deal with the relevant matter with a reduced membership.

Timing

The Panel will convene on at least a monthly basis or more frequently as required.

Administrative issues

The Panel will deliberate during in-person meetings or, if this is impracticable, by conference/video call.

If a member of the Panel is not available to attend a meeting, the reason for non-attendance will be recorded by the Panel Secretariat. The meeting may still proceed without a panel member providing there are two members present.

All deliberations of the Panel are confidential except as required for the purposes of the Panel performing its functions.

The Panel Secretariat will be responsible for documenting the Panel's meetings, deliberations and outcomes.

Panel Process

The process adopted by the Panel includes:

The Panel Secretariat will refer the established Category 3 conduct or corrupt conduct issue to the Panel. Such referral will include:

- a. Investigation Report and attachments;
- b. Any response to the allegations by the AFP appointee;
- c. PRS OC Comments on the *Cat 3 and Corruption Determination of Sanction* template;
- d. The AFP appointee's antecedents;
- e. The AFP appointee's performance history where relevant;
- f. Any awards, commendations or other recognition of the AFP appointee's achievements where relevant;
- g. Any aggravating or mitigating factors; and
- h. Any other material information that may be relevant to the Panel's deliberations.

The Panel will meet to consider the information for the purpose of assisting the PRS Panel Delegate to reach a preliminary view on the appropriate sanction.

Following consideration of all relevant material, the PRS Panel Delegate will reach a preliminary view on the sanction to be applied, including the nature, scope and duration of any proposed sanction.

Some factors relevant to the proposed sanction include, but are not limited to:

- a. The seriousness of the conduct;
- b. The seniority of the appointee involved;
- c. Actual or potential damage or loss, financial or otherwise, to the AFP caused by the conduct;
- d. Past misconduct of the AFP appointee;
- e. Aggravating factors.
- f. Mitigating factors;
- g. Actions/sanctions imposed in previous cases involving similar conduct; and
- h. Any other relevant factors.

Notice to the Appointee of proposed sanction

Once the PRS Panel Delegate has reached a view on the proposed sanction, the Secretariat will arrange for the AFP appointee to be notified of the proposed sanction and be provided with an opportunity to comment or respond.

The AFP appointee will ordinarily be provided with 14 calendar days in which to comment or respond to the proposed sanction.

AFP appointee's comment or response

Any response from the AFP appointee will be considered at the next available meeting of the Panel.

In the event that the AFP appointee does not provide a response, this will be noted and the PRS Panel Delegate will then make a final determination as to the sanction to be taken.

For the avoidance of doubt, where the AFP Appointee's response is considered at the next available meeting of the Professional Standards Panel, the person performing the functions of the PRS Panel Delegate at that meeting will determine the sanction even if that person was not performing that function at the previous meeting where the particular matter was considered.

Communication of Decision

If the PRS Panel Delegate decides to impose a sanction, the Secretariat will make arrangements for the decision to be communicated to the AFP appointee.

The Secretariat will also make arrangements for the decision to be communicated to the relevant line area National Manager/Manager tasked with implementing the sanction.

16. Discretion to take no further action

Section 40TF of the Act provides discretion for the Commissioner to take no further action in relation to a complaint which raises an AFP conduct or practices issue.

The delegation to apply a discretion as listed in s. 40TF of the Act for AFP conduct issues and practices issues is detailed in the [Delegations and Authorisations Collection](#).

Where a CMT chair, as authorised under [Attachment 1 of CO2](#), has applied a discretion to take no further action regarding a Category 1 or 2 conduct issue or an AFP practices issue, the Head of the Unit or MPRS may, on internal review, revoke or vary that decision.

17. Withdrawn complaints

Where a complainant indicates a desire to withdraw a complaint, the complaint manager or responsible CMT shall request the complainant provide a written request to withdraw the complaint which details the reasons for the withdrawal.

A written statement from the complainant requesting the withdrawal of the complaint does not preclude further investigation of the complaint.

The complaint manager or responsible CMT must assess whether there is any merit in progressing the investigation further. The AFP may wish to proceed with an investigation if the complaint involves:

- wider conduct implications
- practice and procedure issues
- significant public interest
- repetitive behaviour of poor conduct.

18. Deletion of complaints from CRAMS

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
- is a duplicate of an existing complaint
- is deemed to be a non-complaint.

Only authorised AFP appointees may delete a complaint from CRAMS, in accordance with [Attachment 1 of CO2](#).

Part B – Complaint management teams

19. Complaint management teams – establishment

The establishment of any CMT is subject to authorisation by the Head of the Unit, MPRS or coordinators of PRS and must be established in accordance with [CO2](#).

The PRS CCT will maintain a record on behalf of PRS of those AFP functional streams and business areas which have a CMT.

Authorisation to act as a complaint manager for a Category 1 or 2 conduct issue and to be a member of a CMT is revoked by the CMT Chair when an AFP appointee ceases to occupy the relevant identified position.

Where the membership of an established CMT changes, the CMT Chair must notify the PRS CCT.

Where a member of a CMT moves to another CMT, they must complete the application process again.

A CMT may engage a secretariat to manage the administration of its complaints; however, the CMT secretariat must not contribute to decisions made in relation to the management of complaints or the CMT's findings.

20. CMT functions – complaint categorisation

In accordance with s. 40RK(7) of the Act, the category to which a complaint belongs may change as more information is obtained in relation to the conduct.

Where additional information indicates a possible change in the category of an AFP conduct issue, the CMT may change the conduct issue category.

A CMT will assess each complaint subject's prior established complaints history in determining whether an associated AFP conduct issue is categorised appropriately. Where an AFP appointee has a repeated history of similar conduct and has failed to change or modify their behaviour or performance, the CMT may consider upgrading the complaint category.

Where a complaint incorporating an AFP conduct issue is upgraded to either a Category 3 conduct issue or a corruption issue, CRAMS automatically refers the complaint to PRS. The CMT and complaint manager will no longer have the ability to access and deal with that complaint.

21. CMT functions – dealing with AFP practices issues

The CMT must deal with complaints involving AFP practice issues in accordance with the Act, specifically ss. 40TA, 40TF, 40TK and 40TX.

A CMT may be referred an AFP practices issue where a complaint:

- is recorded and referred on CRAMS (the complaint may also involve an AFP practices issue)
- relating to an AFP practices issue is made that does not involve any AFP conduct issues.

Where a CMT is referred an AFP practices issue, it must inform the PRS CCT of the details of the practices issue for recording in the AFP practices issues register, which is required for the review function of the Commonwealth Ombudsman under s. 40XB of the Act. The Commissioner is also required by s. 40WA of the Act to ensure that adequate records are kept.

22. CMT functions – findings

When an investigation of a complaint is completed, a CMT quorum must either endorse the findings recommended by the complaint manager or apply new findings to each conduct issue within a complaint.

When the CMT applies a new finding, the CMT will record the reasons for this decision on CRAMS.

23. CMT functions – applying outcomes

CMTs have the responsibility of applying outcomes to established Category 1 and 2 conduct issues dealt with in CRAMS. The Act provides for established conduct issues to attract certain actions depending on the category to which the conduct belongs. For the purposes of this guideline and CRAMS, actions are referred to as "outcomes" and are as per s. 6 of the Complaint Management User Guide.

Where a CMT has applied outcomes in relation to a complaint, the complaint may be completed by the CMT.

Part C – Review of findings and outcomes of complaints

24. Internal review for category 1 and 2 conduct issues

Any AFP appointee who is subject to a complaint involving a Category 1 or 2 conduct issue, and has been notified of the final outcome, may seek an internal review of the decision.

A request for internal review must be made in writing by the affected AFP appointee to the Head of the Unit or MPRS with sufficient details to enable an effective review to take place. This may be submitted via email to [PR SOMC](#).

The Head of the Unit or MPRS may undertake the review or assign an independent AFP appointee (the complaint reviewer) who was not involved in the original investigation or decision-making process. This person will generally be at or above Band 9 (on the AFP salary spine).

The Head of the Unit or MPRS will make a final decision with reference to the review findings and will arrange for notification to the complaint subject, the original CMT and the complainant (if any).

A complaint may only be reviewed once by internal review.

25. External review of a complaint investigation – reviewable actions

An AFP appointee subject to a complaint involving a Category 1 or 2 conduct issue who is not satisfied with the final outcome after internal review may approach the Commonwealth Ombudsman to request a review of their investigation.

An AFP appointee who is subject to a complaint involving a Category 3 conduct or corruption issue, and has had the final outcome notified to them, may:

- approach the Commonwealth Ombudsman to request a review
- take action to have any outcomes involving reviewable actions considered under administrative law at the Federal or High Court of Australia
- seek review by Fair Work Australia for matters resulting in the termination of the AFP appointee's employment under s. 28 of the Act, but not when a s. 40K Declaration of Serious Misconduct has been made by the Commissioner, as per s. 69B of the Act.

Complainants, including AFP appointees, who are not satisfied with the final outcome of any complaint may approach the Commonwealth Ombudsman with their concerns.

Part D - Further information

26. Claims for compensation

An AFP appointee should not make any statement to a complainant regarding the merits of any compensation claim relating to any conduct issue or the liability of the AFP in that matter.

A complaint may still be finalised despite issues outstanding in relation to compensation.

27. Information provided by a detainee

Where a detainee requests to make a complaint, the AFP custodian must act in accordance with s. 40SB of the Act.

Where a detainee appears to be under the influence of alcohol or drugs and wishes to make a complaint, the receiving member of the watch-house must make a record of the detainee's request outside of CRAMS. As soon as it is determined that the detainee is no longer under the influence or upon the release of the detainee, a watch-house member must raise the complaint request with the detainee. If the detainee then wishes to proceed, the watch-house member must record the information of the complaint in CRAMS or otherwise as outlined in the Complaint Management - User Guide.

28. Former AFP appointees

In accordance with s. 40RH(2)(a) of the Act, an AFP conduct issue applies even if the AFP appointee who engaged in the conduct has ceased to be an AFP appointee.

Any complaint recipient who receives a complaint regarding a Category 1 or 2 conduct issue about a former AFP appointee should report the issue through CRAMS.

A complaint involving a Category 3 conduct issue or a corruption issue about a former AFP appointee must be recorded on CRAMS. These complaints must be assessed by PRS and managed according to Part V of the Act.

29. Confidentiality

Complaint management information must be treated in confidence. Information may only be recorded, divulged, communicated or otherwise used to ensure the good order, administration or discipline of the AFP's complaint management system. The use of information is to be consistent with s. 60A of the Act, s. 18 of CO2 and r. 13B of the [Australian Federal Police Regulations 1979](#) (Cth).

30. Further advice

Any queries relevant to the content of this guideline should be referred through [PR SOMC](#).

31. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Categories of Conduct Determination 2013](#) (Cth)
- [Australian Federal Police Regulations 1979](#) (Cth)
- [Law Enforcement Integrity Commissioner Act 2006](#) (Cth)
- [Ombudsman Act 1976](#) (Cth).

AFP governance instruments

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FREEDOM OF INFORMATION ACT 1982
(COMMONWEALTH)

INFORMATION PUBLICATION SCHEME (IPS)

- [AFP Commissioner's Order on Governance \(CO1\)](#)
- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on integrity reporting](#)
- [AFP National Guideline on public interest disclosure](#)
- [AFP National Guideline on the Confidant Network](#)
- [AFP National Guideline on the personnel security.](#)

Other

- [Commonwealth Ombudsman Better Practice Guide to Complaint Handling.](#)

32. Attachments

- [Benchmarks on managing AFP Conduct Issues](#)
- [Complaint Management – User Guide](#)
- [CMT – Conflict of Interest Declaration](#)
- [PRS - Conflict of Interest Declaration](#)
- [Suspension and/or Redeployment of AFP members during PRS Investigations.](#)

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