

Our ref: CRM 2017/272

14 December 2016

Mr Phillip Sweeney

By email: foi+request-2840-6f2323fd@righttoknow.org.au

Dear Mr Sweeney,

Freedom of Information request

I refer to your request dated 13 December 2016 under the *Freedom of Information Act 1982* (the Act) seeking the following:

"For a person to become an Australian Federal Police officer I assume they sign a document which might be described as an "oath" document or a similar name when the officer confirms that he or she will be committed to uphold the rule of law or a similar statement.

I seek a copy of this document with no details of any AFP officer, just the document that would be filled out and signed by the AFP officer.

I also seek a copy of the AFP Code of Conduct if such a document exists."

Attached at Annexure A to this letter is my decision and statement of reasons for that decision.

Information Publication Scheme (IPS)

As notified to you on 13 December 2016 it has been decided to publish the documents in full in respect of your request. Publication of the documents and any relevant documents will be made on the AFP website at <http://www.afp.gov.au/about-the-afp/information-publication-scheme/routinely-requested-information.aspx> in accordance with timeframes stipulated in section 11C of the Act.

Yours sincerely,



Jacqueline Ellery
Acting Coordinator
Freedom of Information
Australian Federal Police

STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY PHILLIP SWEENEY

I, Jacqueline Ellery, Acting Coordinator, Freedom of Information, am an officer authorised under section 23 of the Act to make decisions in relation to the Australian Federal Police.

What follows is my decision and reasons for the decision in relation to your application.

BACKGROUND

On 13 December 2016, this office received your letter/application in which you requested:

"For a person to become an Australian Federal Police officer I assume they sign a document which might be described as an "oath" document or a similar name when the officer confirms that he or she will be committed to uphold the rule of law or a similar statement.

I seek a copy of this document with no details of any AFP officer, just the document that would be filled out and signed by the AFP officer.

I also seek a copy of the AFP Code of Conduct if such a document exists."

SEARCHES

In relation to this request, a search was undertaken by the Recruit training team, AFP Learning and Development for documents within scope.

DECISION

I have identified four documents relevant to the first part of your request.

I have decided that some of the documents itemised at Annexure B are released to you in their entirety.

In relation to the AFP Code of Conduct, I draw your attention to Commissioner's Order on Professional Standards (CO2) which contains the AFP's Code of Conduct. This document can be found at the following link on the AFP Information Publication Scheme website:

<https://www.afp.gov.au/sites/default/files/PDF/IPS/AFP%20Commissioners%20Order%20on%20Professional%20Standards%20CO2.pdf>

WAIVER OF CHARGES

As this request was simple to process, I am using my discretion on this occasion and waiving the fees associated with processing FOI requests.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following documentary evidence:

- ❖ the scope of your application;
- ❖ the contents of the documents listed in the attached schedule;
- ❖ advice from AFP officers with responsibility for matters relating to the documents to which you sought access;
- ❖ *Freedom of Information Act 1982*;
- ❖ Guidance material issued by the Department of Prime Minister and Cabinet; and
- ❖ Guidelines issued by the Office of the Australian Information Commissioner.

**** YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT 1982.**

REVIEW AND COMPLAINT RIGHTS

If you are dissatisfied with a Freedom of Information decision made by the Australian Federal Police, you can apply for an internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking an IC review.

You do not need to seek a review by either the AFP or the IC should you wish to complain about the AFP's actions in processing your request.

REVIEW RIGHTS under Part VI of the Act

Internal Review by the AFP

Section 53A of the Act gives you the right to apply for an internal review in writing to the Australian Federal Police (AFP) within 30 days of being notified of a decision. No particular form is required. It would assist the independent AFP decision-maker responsible for the internal review if you set out in the application, the grounds on which you consider that the decision should be reviewed.

Section 54B of the Act provides that the internal review submission must be made within 30 days. Applications for a review of the decision should be addressed to:

Freedom of Information
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the Act

Review by the Information Commissioner (IC)

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review by the AFP. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision. It would also help if you set out the reasons for review in your application.

Section 54S of the Act provides for the timeframes for an IC review submission. For an *access refusal decision* covered by subsection 54L(2), the application must be made within 60 days. For an *access grant decision* covered by subsection 54M(2), the application must be made within 30 days.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner
GPO Box 5128
Sydney NSW 2001.

Further, the OAIC encourages parties to an IC review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Information about the IC review process can be found in Part 10 of the Guidelines which are available on our website at <http://www.oaic.gov.au/publications/guidelines.html>.

RIGHT TO COMPLAIN under Part VIIB of the Act

Section 70 of the Act provides that a person may complain to the IC about action taken by the Australian Federal Police in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

AUSTRALIAN FEDERAL POLICE ACT 1979 **UNDERTAKING UNDER SUB-SECTION 36(3)**

I, «Given_Name» «Middle_Names» «Surname», undertake that I will, in the performance of my duties as a member of the Australian Federal Police, comply with the provisions of the Australian Federal Police Act 1979, the regulations made under that Act, the Commissioner's Orders issued under section 38 of that Act and any lawful direction, instruction or order, whether written or oral, under section 40 of that Act.

Signature

AFFIRMATION

I, «Given_Name» «Middle_Names» «Surname», do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law. That I will faithfully and diligently exercise and perform all my powers and duties as a person declared to be a member under section 40B of the Act of the Australian Federal Police without fear or favour, affection or ill will, from this date until I cease to be a person declared to be a member under section 40B of the Act of the Australian Federal Police. That, whenever performing duty in the Australian Capital Territory, I will cause Her Majesty's peace to be kept and preserved, and prevent, to the best of my power, offences against that peace. And that, while I continue to be a person declared to be a member under section 40B of the Act of the Australian Federal Police, I will, to the best of my skill and knowledge, faithfully discharge all my duties according to law.

Signature..... THIS DOCUMENT HAS BEEN DECLASSIFIED
AND RELEASED IN ACCORDANCE WITH THE
FREEDOM OF INFORMATION ACT 1982
(COMMONWEALTH)
BY THE AUSTRALIAN FEDERAL POLICE

AUSTRALIAN FEDERAL POLICE ACT 1979 UNDERTAKING UNDER SUB-SECTION 36(3)

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Signature

OATH

I, «Given_Name» «Middle_Names» «Surname», do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law. That I will faithfully and diligently exercise and perform all my powers and duties as a person declared to be a member under section 40B of the Act of the Australian Federal Police without fear or favour, affection or ill will, from this date until I cease to be a person declared to be a member under section 40B of the Act of the Australian Federal Police. That, whenever performing duty in the Australian Capital Territory, I will cause Her Majesty's peace to be kept and preserved, and prevent, to the best of my power, offences against that peace. And that, while I continue to be a person declared to be a member under section 40B of the Act of the Australian Federal Police, I will, to the best of my skill and knowledge, faithfully discharge all my duties according to law:

So help me God.

Signature

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(COMMONWEALTH)
BY THE AUSTRALIAN FEDERAL POLICE

«Line 1 Assignment»
«Line 2»
«OA Signed Date_»

AUSTRALIAN FEDERAL POLICE ACT 1979 UNDERTAKING UNDER SUB-SECTION 36(3)

I, «Given_Name» «Middle_Names» «Surname», undertake that I will, in the performance of my duties as a Protective Service Officer of the Australian Federal Police, comply with the provisions of the Australian Federal Police Act 1979, the Regulations made under that Act, the Commissioner's Orders issued under section 38 of that Act and any lawful direction, instruction or order, whether written or oral, under section 40 of that Act.

Signature

AFFIRMATION

I, «Given_Name» «Middle_Names» «Surname», do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, that I will faithfully and diligently exercise and perform all my powers and duties as a Protective Service Officer of the Australian Federal Police without fear or favour, affection or ill will, from this date until I cease to be a Protective Service Officer of the Australian Federal Police and that, while I continue to be a Protective Service Officer of the Australian Federal Police, I will, to the best of my skill and knowledge, faithfully discharge all my duties according to law.

Signature

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AND RELEASED IN ACCORDANCE WITH THE
FREEDOM OF INFORMATION ACT 1982
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BY THE AUSTRALIAN FEDERAL POLICE

«Line 1 Assignment»

«Line 2»

«OA Signed Date »

AUSTRALIAN FEDERAL POLICE ACT 1979 UNDERTAKING UNDER SUB-SECTION 36(4a)

I, «Given_Name» «Middle_Names» «Surname», undertake that I will, in the performance of my duties as a Protective Service Officer of the Australian Federal Police, comply with the provisions of the Australian Federal Police Act 1979, the Regulations made under that Act, the Commissioner's Orders issued under section 38 of that Act and any lawful direction, instruction or order, whether written or oral, under section 40 of that Act.

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So help me God.

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