

Commonwealth Contract – Consultancy Services

Annexure B – Deed of Personal Obligation

THIS DEED OF PERSONAL OBLIGATION is made on

BETWEEN

THE COMMONWEALTH OF AUSTRALIA as represented by the Australian Federal Police ('AFP') established under the *Australian Federal Police Act 1979* (Cth) ('AFP Act') (ABN 17864931143)

AND

John Lawler of [REDACTED] s47F

YOUR STATUS AS AN AFP APPOINTEE

You are named as part of the Specified Personnel under the Contract between the AFP and John Lawler, trading as John A Lawler AM APM Consulting ('Service Provider') to provide an independent process review into the handling of sensitive investigations.

The Commissioner's delegate has determined under section 35(2) of the AFP Act that the Service Provider is an AFP Appointee for the purposes of the AFP Act.

You acknowledge that you are not an employee of the AFP but are providing services to the AFP pursuant to section 35(1) of the AFP Act, as an independent contractor employed by the Service Provider. The terms and conditions for the provision of the services you provide are set out in the agreement between the AFP and the Service Provider

In signing this Deed, the Commissioner's delegate has determined that you are an AFP Appointee under section 35(2) for the purposes of the AFP Act. As an AFP appointee, you are subject to the following:

- **AFP Code of Conduct**
- **AFP complaints reporting, investigation, management and resolution process**
- **AFP professional standards and security**

You acknowledge that these obligations are ongoing and will continue to apply to you, even if you no longer provide services to the AFP.

YOUR HANDLING OF CONFIDENTIAL INFORMATION

In the course of providing services to the AFP, you may become aware of or have access to information (including personal information) that may be:

- confidential;
- subject to section 60A of the AFP Act;
- subject to the *Privacy Act 1988* (Cth); or
- subject to Commonwealth secrecy laws.

This information is referred to as 'AFP information' for the purposes of this Deed.

Section 60A of the AFP Act is a specific secrecy provision which protects any information which you obtain in the course of providing services to the AFP. You are also considered to be a Commonwealth Officer and a Commonwealth Public Official as defined in the *Criminal Code Act 1995* (Cth).

You understand that improper access, use or disclosure of AFP information may severely damage the reputation of the AFP or the AFP's ability to perform its statutory functions and may constitute a criminal offence.

You acknowledge and agree that unless expressly authorised by the AFP, you must not use, disclose, communicate or record AFP information except in the course of:

- **providing services to the AFP; or**
- **undertaking AFP duties, functions or powers.**

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If the AFP grants such authorisation, conditions may be imposed and, in any event, you agree you will only disclose in these circumstances to those persons that have a demonstrated need to know.

You agree to abide by all security classification guidelines which may exist in respect of such information and undertake to accord the appropriate degree of protection to:

- all information which you are notified of; and
- information intended to be the subject of national or international security restrictions or regulations.

CONSENT TO DISCLOSE AND EXCHANGE INFORMATION

I, **Acknowledge** and **Agree** to the following:

Whilst providing services or assistance to the AFP pursuant to an agreement between the AFP and the Service Provider, the AFP may disclose or exchange information with, or to, the Service Provider and other third parties in connection with, or related to, the performance or provision of my services or assistance to the AFP.

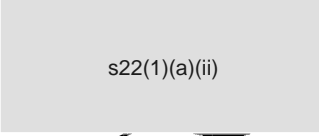
I understand that these obligations and rights are ongoing and their applicability does not depend on whether I continue to provide services to or work with the AFP.

In signing this Deed I agree to and acknowledge the following:

1. I am not an employee of the AFP but am providing services to the AFP under s 35(1) of the AFP Act as part of the Service Provider's Personnel;
2. upon signing this Deed of Personal Obligation, I am an AFP Appointee under s 35(2) for the purposes of the AFP Act; and
3. my obligations in respect of non-disclosure of AFP information and the AFP Code of Conduct and professional standards.


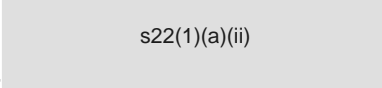
EXECUTED as a Deed

SIGNED SEALED AND DELIVERED for and on behalf of the **COMMONWEALTH OF AUSTRALIA** as represented by the Australian Federal Police

By CHRIS BLACK Signature ...  s22(1)(a)(ii)

(Print Name of AFP delegate under section 35(1) and 35(2) of the AFP Act)

in the presence of:

 s22(1)(a)(ii) Signature  s22(1)(a)(ii)

(Print Name of Witness)

SIGNED SEALED AND DELIVERED

By Signature

(Print Name of Specified Person)

in the presence of: Signature

(Print Name of Witness)

.....
(date)

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ANNEXURE C DEED POLL OF CONFIDENTIALITY

Version Control: v.0.4 17/05/19

AFP Procurement ID ⓘ	
Procurement Title	

THIS DEED POLL IS MADE IN FAVOUR OF

THE COMMONWEALTH OF AUSTRALIA AS REPRESENTED BY THE AUSTRALIAN FEDERAL POLICE (ABN 17 864 931 143)

I, _____ of _____
(Name) (Residential Address)

Acknowledge and Agree to the following:

Whilst providing services or assistance to the Australian Federal Police ('AFP'), I may become aware of information, including personal information, which may be:

- confidential;
- subject to the *Privacy Act 1988* (Cth); or
- subject to Commonwealth secrecy laws, including section 60A of the *Australian Federal Police Act 1979* (Cth) (AFP Act).

This information is referred to as 'AFP information' for the purposes of this Deed.

I understand that improper access, use or disclosure of AFP information could severely damage the reputation of the AFP or its officers, or the AFP's ability to perform its statutory functions, and may constitute a criminal offence.

Unless expressly authorised by the AFP I agree, including further to section 60A of the AFP Act, not to use, disclose, communicate or record AFP information except where reasonably necessary and authorised by the AFP.

If the AFP grants such authorisation, conditions may be imposed and, in any event, I will only disclose AFP information in these circumstances to those persons that have a demonstrated need to know.

I agree to abide by the information security requirements contained within the Australian Government's Protective Security Policy Framework and I undertake to accord the appropriate degree of protection to:

- all information which I am notified of; and
- information intended to be the subject of national or international security restrictions or regulations.

I may be considered to be an AFP Appointee or consultant or independent contractor under the AFP Act, a Commonwealth Officer and/or a Commonwealth Public Official as defined in the *Criminal Code 1995* (Cth).

I understand that the confidentiality obligations as set out in this Deed are ongoing.

Commonwealth Contract – Consultancy Services

EXECUTED as a Deed Poll

SIGNED SEALED AND DELIVERED)

.....)
(Print Name)) (Signature) (Date)

in the presence of:)
.....)
(Print Name of Witness)) (Signature of Witness)

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Tuesday, 15 October 2019 3:30 PM
To: s47F
Cc: s22(1)(a)(ii)
Subject: SAP commencement details/ICT assets [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Mr Lawler,

Please find attached a SAP Commencement form.

Please complete the yellow highlighted items, and return the form to me at your earliest convenience. Completion of this form will enable us to arrange access for you to the broader AFP administrative system, travel booking systems etc.

I have also confirmed that the ICT assets are controlled digitally, and that you do not need to sign for the laptop, phone or token. Please see below for your records (noting there is no asset record required for the token):

SCSM Job Number	Description	Serial Number	IMEI	AFP Barcode	AFP No. for personal issue	Cost Centre	Team Name	Location Code	Comment
INC0074950	LAPTOP - DELL 7390	s47E(d)	N/A	80006494	AFP2841	N/A	N/A	N/A	New Laptop
INC0074950	PHONE_APPLE IPHONE 8PLUS 64 GB		s47E(d)		80004549	AFP2841	N/A	N/A	N/A

Kind regards,

s22(1)(a)(ii)

For-Official-Use-Only

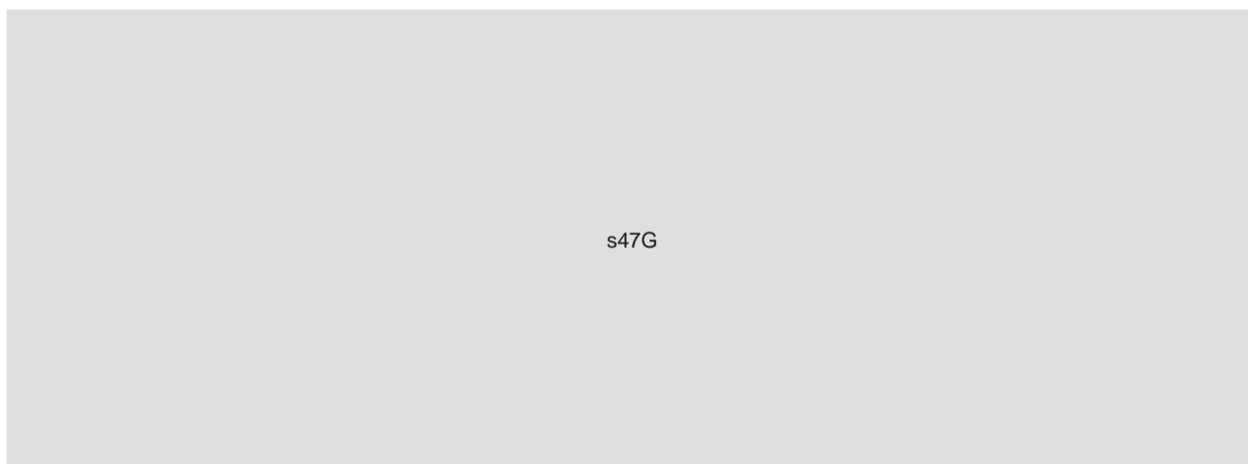
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SAP COMMENCEMENT DETAILS VERSION 3

All Fields MUST be completed

AFP Details	
Personnel Number (Payroll to Supply)	
Employment Type	7 - Contractor
Supervisor	Nigel Ryan, a/Chief of Staff
Commencement Date	18/10/2019
End Date	21/01/2020
Position Number	
Organisation Unit Number	
Job Role Number	
Personnel Area	ZOTH - Other
Employee Group	7 - Contractor
Employee Subgroup	VZ - Other
Contract	
Sub Area	A.C.T.
Personnel Administration Area	H07 - National Region
Time Type	T01 - AFP Headquarters
State location	Australian Capital Territory
New Building Code	ACT033 - AFP Headquarters
New Business Area	BUS402 - Office of the Commissioner
Personal Details	
Title	Mr
Last Name	Lawler
First Name	John
Known as	John
Gender	Male
Birth Date	
Birthplace & State	
Country Of Birth	
Nationality	
Marital Status	
Home Address	

State and Postcode



s47G

Company Name **John A Lawler Consulting**
 Company Address

s47G

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Tuesday, 15 October 2019 11:47 AM
To: s47F
Cc: s22(1)(a)(ii)
Subject: Security clearance [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Mr Lawler,

Security have issued a s47F clearance for you this morning.

In order to expedite a substantive clearance, the Security team has requested that you please complete the attached certificate of suitability form. If you are able to return the completed form by COB tomorrow, we should be able to have a substantive clearance for you by Friday.

Kind regards,

s22(1)(a)(ii)

COORDINATOR - EXECUTIVE SECRETARIAT & COMMUNICATIONS
ENTERPRISE GOVERNANCE

Tel [REDACTED] s22(1)(a)(ii)

www.afp.gov.au

Australian Federal Police

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Certificate of Suitability Australian Government Personnel Information Leaflet

Recognition of a valid Australian Government Security Clearance¹ for any person who is a Secondee or a Special Member or who has an approved requirement to access AFP Premises, Classified Information or ICT Systems .

Introduction

A Certificate of Suitability recognises another Agency's Security Clearance enabling an employee from that Agency eligible under s.69D (AFP Act 1979) or s.40E (AFP Act) to access AFP classified information and/or security controlled areas.

The Employee must provide a copy of their Security Clearance Grant Notification from the host Agency. The attached forms must be completed before the granting of a Certificate of Suitability can be considered.

Important Actions

- **Details of Applicant**
Please complete all Personal details of the Applicant.
For the purpose of the Certificate of Suitability Recognition clearance process and where the form requests details of a partner, spouse, de facto or significant other, this would include anyone you have been seeing or have been in a relationship with for a period exceeding 6 months.
- **Agency Security Advisor**
The Agency Security Advisor must endorse the application and the integrity of the applicant.
- **AFP Request and Endorsement**
The Functional Area must sponsor the request for the secondee and the application must be endorsed by the Manager or National Manager of the functional area.

Adjudicative Guidelines

The **AFP employment character guidelines (PDF, 55KB)** define the minimum AFP character standards. Applicants who fail to meet these guidelines, may be deemed unsuitable to proceed through the Certificate of Suitability process.

Incomplete Packages/Forms

Any missing or incomplete information may result in your documents being returned to you for further attention. Your AFP sponsor will be notified should this occur

Contact

If you have any questions about these forms please contact your AFP Sponsor.

¹ Vetting agencies are to recognise the security clearances granted by another vetting agency and or Australian State and Territories undertaken in accordance with the PSPF, unless:

- the clearance has exceeded its revalidation period
- the clearance was granted with an eligibility waiver
- the vetting agency has grounds that the clearance subject is not suitable to access AFP classified resources at that clearance level

15/10/2018

CERTIFICATE OF SUITABILITY – REQUEST FORM

Details of Applicant				
Rank/Title	Surname	Given Name/s	Date of Birth	
Current Security Clearance (<i>Applicant <u>must attach</u> the Security Clearance Notification letter from the host Agency</i>)				
Agency/company (if contractor)	Clearance Level Held		Date of Grant	
Certificate of Suitability (<i>To be completed by the Agency Security Advisor and/or Integrity Department representative of the home Agency</i>)				
I confirm that the applicant has no known integrity or disciplinary issues and is hereby endorsed to have unescorted access within AFP premises or to AFP systems.				
Agency Security Advisor			Contact Number	
Signature	Printed Name		Date	
Reason for access *****MUST BE COMPLETED *****				
Level of clearance required	<input type="checkbox"/> Baseline	<input type="checkbox"/> NV1	<input type="checkbox"/> NV2	
Access is required from / / until / /				
AFP Request (<i>to be completed by AFP Team Leader/Coordinator</i>)				
I certify that the access requested is necessary for the performance of the applicant’s duties for the purpose shown above.				
Signature	Printed Name	Rank/Position	AFP Number	Date
AFP Endorsement (<i>to be completed by AFP Manager/National Manager</i>)				
Signature	Printed Name	Rank/Position	AFP Number	Date

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Form 1. Schedule of Requirements to be attached – Certificate of Suitability

Full Name		
Email Address		
Contact No/s.		
Current (host Agency) Supervisor Details		
Name		
Contact No/s.		
Email Address		
Business Area		
Forms		
Certificate of Suitability Form <i>Note: MUST be completed and signed by your AFP Sponsors.</i>	Completed	<input type="checkbox"/>
Form 1: Schedule of Requirements to be attached	Completed	<input type="checkbox"/>
Form 2: Security Clearance Questionnaire	Completed	<input type="checkbox"/>
Form 4: Consent to Conduct a National Police Check (Subject)	Completed	<input type="checkbox"/>
Form 4a: Consent to Obtain Personal Information (Partner)	Completed	<input type="checkbox"/>
Form 7: Handling AFP Information	Completed	<input type="checkbox"/>
Form 8: General Consent	Completed	<input type="checkbox"/>
Form 9: Statutory Declaration	Completed	<input type="checkbox"/>
Personal Documents		
<i>Note: You MUST provide a copy of your Clearance Notification Letter and your Drivers Licence or another form of official photographic ID</i>		
Please provide the document title in the space below for substitute documents.		
Current Drivers Licence (front & back required)	Must be attached	<input type="checkbox"/>
Clearance Confirmation Letter from home Agency:	Must be attached	<input type="checkbox"/>
Substitute photographic ID for Drivers Licence (if licence not held) Document Title:	Attached	<input type="checkbox"/>

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Form 2: Security Clearance Questionnaire

Full Name

Should background checking reveal that you have attempted to deliberately mislead the AFP, it may cause delays to your security clearance or ultimately have a bearing on the granting of your security clearance.

Please note that answering "yes" to any of these questions does not necessarily preclude you from obtaining a security clearance. Each issue is assessed on its merits and is based on the circumstances, your attitude and community standards.

SECT 137.1 Criminal Code Act 1995

False or misleading information

(1) A person is guilty of an offence if:

- (a) The person gives information to another person; and
- (b) The person does so knowing that the information:
 - (i) is false or misleading; or
 - (ii) Omits any matter or thing without which the information is misleading; and
- (c) Any of the following subparagraphs applies:
 - (i) The information is given to a Commonwealth entity;
 - (ii) The information is given to a person who is exercising powers or performing functions under, or in connection with, a law of the Commonwealth;
 - (iii) The information is given in compliance or purported compliance with a law of the Commonwealth.

Penalty: Imprisonment for 12 months.

"Giving false or misleading information is a serious offence".

Please answer the following questions by ticking the reply that applies to your personal circumstances. If you answer **"yes"** to any question, *please provide full details in the space provided or on an attachment* and return it with your security clearance package. If you would prefer to discuss the matter personally, or have any doubt about the wording of any question, please contact Personnel Security Vetting at security-vetting@afp.gov.au.

1. Have you ever been dismissed or asked to resign from a place of employment? Yes No

If yes, please provide full details

2. Has a Security Clearance requested for you ever been:

- a) Withdrawn? Yes No
- b) Downgraded? Yes No
- c) Reviewed? Yes No
- d) Denied? Yes No

If yes, please provide full details

3. Are you registered with the Australian Electoral Commission as a person eligible to vote? Yes No

If yes, at which address are you registered.

If no, please provide full details as to why not.

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4. Do you have feelings of loyalty or allegiance to any country other than Australia?
If so, to which country and why. Yes No

5. Have you, either in Australia or overseas, ever applied for or served with the Armed Forces, State or Territory Police Services or Correctional Services (including unsuccessful applications)? If yes, please provide the date of application and/or dates of service. Yes No

If you were unsuccessful please include any reasons you were given as to why.

6. Have you, in Australia or overseas, ever been the subject of or involved in any form of:

- a) Military investigation? Yes No
- b) Police investigation? Yes No
- c) Internal investigation? Yes No
- d) Workplace enquiry? Yes No
- e) Internal disciplinary action, including counselling whether formal or informal? Yes No

If yes, please provide as much detail as possible.

Note that any past involvement, including any adverse findings made against you, with AFP PRS must be disclosed. If you are an AFP appointee, you are authorised to disclose this information under s 60A of the AFP Act and related regulations.

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7. Have you for any reason (other than in an official capacity) in any country, ever been:

- a) In contact with police or law enforcement agencies? Yes No
- b) Charged and/or convicted of any offence (including traffic offences)? Yes No
- c) Directed to perform Community Service by a court of law? Yes No
- d) Imprisoned or served periodic detention (civilian or military)? Yes No

If yes, please provide as much detail as possible.

8. Do you have (for any reason other than in an official capacity) ongoing or previously had, contact with anyone who, in any country:

- a) Is or has been imprisoned or serving periodical detention? Yes No
- b) Is performing or has been directed to perform Community Service by a court of law? Yes No

Note: this includes relatives and family members

If yes, please provide full details.

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9.

Have you ever (for any reason other than in an official capacity) been involved in any civil or criminal court matters, in any country, in any capacity?

Yes No

If yes, please provide full details.

10.

Have you ever engaged in any unlawful activities, in any country, whether detected by the Police or Law Enforcement Agencies or not?

Yes No

If yes, please provide full details.

11.

Have you ever had contact with anyone, (for any reason other than in an official capacity), in any country who is or has been involved in criminal or unlawful activity?

Yes No

Note: this includes relatives and family members

If yes, please provide full details.

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12. Have you been a member of any type of gang in any country? Yes No

If yes, please provide full details.

13. Have you had association (other than in an official capacity), in any country, with anyone who is, or has been a member of any type of gang? Yes No

Note: this includes relatives and family members

If yes, please provide full details.

14. Have you ever, on any occasion, in any country?

a) Used illegal/illicit drugs or substances? Yes No

b) Possessed, sold or manufactured illegal/illicit drugs or substances? Yes No

c) Had association with anyone; including relatives and family members (other than in an official capacity) involved in illegal/illicit drugs or substances, in any way? Yes No

Note: This includes drugs or substances that would be considered illegal in Australia, regardless of their standing overseas.

If yes, please provide full details.

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15.

Have you ever been, or are you currently being treated for a mental health disorder or a serious medical condition?

Yes No

If yes, please provide full details

16.

Have you ever used prescription or over the counter medications other than as prescribed or for their intended purpose?

Yes No

If yes, please provide full details

17.

Is there any further information about you or your background of relevance that has not been asked in a previous question?

Yes No

If yes, please provide full details

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I certify that the information supplied on this Security Clearance Questionnaire is complete and correct to the best of my knowledge.

Applicant
Printed Name: Signature: Date:

I understand that giving false or misleading information during any part of this security clearance process is a serious offence under s137.1 & s137.1A of the *Criminal Code Act 1995*.

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