

Form 4: Consent to Conduct a National Police Check (NPC)

National Police Check Information Leaflet

General Information

This consent form is used by the Australian Federal Police (AFP) as part of:

- a. the assessment process to determine whether a person is suitable for employment or engagement by the AFP as a contractor, special member or secondee;
- b. the security clearance process to determine whether a person is suitable to occupy a position determined by the Commissioner of Police to require a security clearance
- c. verifying the identity of AFP appointees

Unless statutory obligations require otherwise, the information provided on this form will not be used without your prior consent for any purpose other than set out in this information leaflet and the NPC consent form. You may be required to complete another NPC consent form in the future if your position or role changes.

The reasons for conducting the NPC and taking your finger and palm prints include:

- verification of identity for security, character and disaster victim identification purposes;
- identification of the existence of police records relating to you, including records under different names;
- investigation related purposes, including unsolved crime scenes and elimination of prints from crime scenes;

National Police Check

Checking for the existence of police records is an integral part of the suitability assessment; verification of identity and the security vetting process.

The information in the NPC consent form and the finger and palm prints you provide will be forwarded to AFP Criminal Records who will provide the information to the Australian Criminal Intelligence Commission and Australian State and Territory Police Services for the purpose of conducting checks and extracting details of any convictions, findings of guilt or pending court. Any matters that are identified may be used by the AFP to assess:

- your suitability for employment or providing services to the AFP;
- your suitability to hold an AFP security clearance;
- involvement in an unsolved investigation; or
- the existence of any undisclosed convictions, findings of guilt or pending matters.

Disclosing convictions

The NPC consent form requires you to disclose whether you are the subject of any criminal charges(s) pending, or whether you have been the subject of any conviction(s) or finding(s) of guilt before a court, including any conviction that has become spent.

As a law enforcement agency the AFP has an exclusion from the Commonwealth Spent Convictions Scheme as contained in the *Crimes Act 1914* (Cth). This exclusion

allows the AFP as a law enforcement agency to take into account information in relation to spent convictions for the purpose of making decisions in relation to assessing AFP appointees and contractors.

Database registration

Your finger and palm prints will be registered on and searched against the Australian Criminal Intelligence Commission National Automated Fingerprint Identification System (NAFIS) database which contains Police and Immigration records of people and fingerprints.

Examples of the records held on NAFIS include, but are not limited to:

- fingerprints relating to unsolved investigations;
- persons who have been fingerprinted in relation to criminal offences;
- NPC for employment/probity purposes and security vetting clearances;
- other State/Territory Police Service recruitment/engagement;
- overseas visa applications; and
- other civil process matters.

Once registered on the NAFIS database, your finger and palm prints will then be visible to any search (existing person or latent print) conducted by any relevant organisation in Australia.

These organisations currently include, but are not limited to: the AFP, State and Territory Police Services, and the Department of Immigration and Citizenship. These searches may involve searches of overseas records against the Australian records held on the NAFIS database.

Storage and Retention

The information you provide to the AFP will be:

- used and handled in accordance with the *Privacy Act 1988* (Cth); and
- retained and disposed of in accordance with the *Archives Act 1983* (Cth) (the Archives Act).

Your NPC documents and finger and palm prints will be retained and stored as part of normal agency record keeping for your AFP Personal Security File. The AFP will not permanently retain the NPC and fingerprints. The fingerprints will be removed from NAFIS and disposed of according to retention periods under the Archives Act and disposal obligations for AFP Personal Security Files.

Provision of False or Misleading Information

You are asked to certify that the personal information you have provided on the form is correct. If it is subsequently discovered that you have provided false or misleading information, for example as a result of a National Police Check, you may be assessed as unsuitable to occupy the position for which you are being assessed.

You should note that the existence of a criminal record does not mean that you will be automatically assessed as being unsuitable for employment or unsuitable to be granted a security clearance. Each case is assessed on its merits. Therefore it is in your best interests to provide frank and complete details when completing this form.

Form 4: Consent to Conduct a National Police Check (NPC)

Personal Particulars										
(please use BLOCK letters)										
Surname				Given Name (s)						
Maiden Name				Name by Previous Marriage			Any Other Name Change			
Gender										
<input type="checkbox"/> M (Male)			<input type="checkbox"/> F (Female)			<input type="checkbox"/> X (Indeterminate/Intersex/Unspecified)				
Marital Status										
<input type="checkbox"/> Single		<input type="checkbox"/> Married		<input type="checkbox"/> Divorced		<input type="checkbox"/> Separated		<input type="checkbox"/> De-facto		<input type="checkbox"/> Widow (er)
Date of Birth		City/Town (of birth)			State (of birth)		Country (of birth)			
Drivers Licence No		Date Of Expiry		State of Licence						
Contact Telephone Nos.		(H)		(W)		(M)				
Permanent Residential Address (Australia)							Period of Residence			
Current				Postcode:		/ /		to / /		
Previous				Postcode:		/ /		to / /		
Criminal Charge(s), Infringements, Convictions or Pecuniary Penalties										
1	Are you the subject of any criminal / traffic charge(s) still pending?							<input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, please provide details										
.....										
2	Do you have any conviction(s) or finding(s) of guilt?							<input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, please provide details										
.....										
OFFICE USE ONLY										
Return Completed Form to:		Team No.		Vetting Officer Initial		For POLICE Use Only				
Australian Federal Police Personnel Security Vetting Security GPO Box 401 Canberra City 2601								Result		

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FREEDOM OF INFORMATION ACT 1982

(COMMONWEALTH)
BY THE AUSTRALIAN FEDERAL POLICE

Form 4: Consent to Conduct a National Police Check (NPC)

I, Hereby:

(FULL NAME IN BLOCK LETTERS IN INK)

1. acknowledge that I have read the information leaflet provided with this form

This check is for the following purpose:

Employment:	Sworn/Unsworn Prospective employee/contractor	Existing employee/contractor
Security Clearance:	Access to Secret/Top Secret	Other

2. certify that the personal information that I have provided on this form, including fingerprints and palm prints, relates to me and is correct;
3. acknowledge the details contained on this form, including fingerprints and palm prints, will be forwarded to the AFP, the Australian Criminal Intelligence Commission and/or State/Territory police services;
4. consent to the AFP and any other State/Territory police services extracting details of any convictions, findings of guilt or pending court proceedings relating to me, including in relation to any traffic offence, and providing that information to the AFP ;
5. acknowledge the information provided on this form will not be used without my prior consent for any other purpose than set out in this consent form and the attached National Police Check Information Leaflet, unless otherwise authorised by law;
6. understand that it is an offence to provide false or misleading information in this application, or omit to provide information that may result in this application being false or misleading; and
7. acknowledge that any information provided on this form or disclosed as a result of this check may be taken into account in assessing my suitability for employment or providing services to the AFP as an AFP appointee or contractor.

Signed:

Date: / /

NOTE

"Employment" includes engagement as a contractor.

Please ensure that you sign and date the form and complete all sections

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Form 4a: Consent to Obtain Personal Information – Partner

Police Record Check Information Leaflet

General Information

This form is used by the Australian Federal Police as part of the security clearance process for your partner in accordance with Australian Government Policy.

Unless statutory obligations require otherwise, the information provided on this form will not be used without your prior consent for any purpose other than in relation to the assessment of your partner's suitability for employment and/or the granting of their security clearance. You may be required to complete another consent form in the future in relation to their employment in other positions.

Police Records Check

Police records are an integral part of the suitability assessment process. On this form you are asked to disclose whether you are the subject of any criminal charges(s) still pending, or whether you have been the subject of a conviction(s) or finding(s) of guilt before a court. You are not required to reveal any convictions, which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where exclusion applies (see explanation note under heading Spent Convictions Scheme).

You are asked to consent to:

- a. the AFP conducting Criminal Records checks; and
- b. the AFP accessing the records of any State or Territory in which you have visited or resided, as nominated in the Personal Particulars section of the form, to obtain any criminal history information in order to make the employment/security clearance decision in relation to your partner.

General Security Checks

In addition to the police check above, various enquiries/checks may be undertaken about you (including checks with vetting agencies, other Law Enforcement Agencies or State/Territory or Commonwealth Entities) to determine whether your partner can be granted a security clearance. These checks may include corroboration of any previous Commonwealth employment you have had; corroboration of personal history for a minimum of 10 years; corroboration of overseas travel; checks for bankruptcy; and criminal records checks.

Spent Convictions Scheme

Commonwealth legislation relating to collection, use and disclosure of old convictions information (commonly known as the Spent Convictions Scheme) restricts the ability of Commonwealth Agencies to access this information.

The aim of the scheme is to prevent discrimination on the basis of certain old conviction types once a waiting period has passed, provided that the individual has not re-offended. The scheme also covers situations where an individual's conviction has been set aside or pardoned.

An individual whose conviction is Spent by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including the Commonwealth authority, exclusion applies. Commonwealth authorities are prohibited from taking into account or from disclosing, without the consent of the individual, such convictions.

A spent conviction is a conviction for either a Commonwealth, Territory, State or foreign offence which satisfies the following conditions:

- it is 10 years since the date of the conviction (or 5 years for child offenders);
- the individual was not sentenced to imprisonment for more than 30 months;
- the individual has not re-offended during the 10 years (5 years for child offenders) waiting period, and
- A statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner).

An individual who believes that standards dealing with disclosure and use of old conviction information have been breached may apply to the Office of the Australian Information Commissioner for an investigation of the matter. The address is GPO Box 5218, Sydney NSW 2001, or they can be contacted by email at enquiries@oaic.gov.au.

Provision of False or Misleading Information

You are asked to certify that the personal information you have provided on the form is correct. If it is subsequently discovered for example as a result of police records, that you have provided false or misleading information, your partner may be assessed as unsuitable to occupy the position for which they are being assessed.

You should note that the existence of a criminal record does not mean that your partner will be automatically assessed as being unsuitable for employment or the granting of security clearance. Each case will be assessed on its merit therefore it is in your best interests to provide accurate details on the form.

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Form 4a: Consent to Obtain Personal Information - Partner

Personal Particulars									
Nil exclusion									
Surname					Given Name(s)				
Maiden Name					Name by Previous Marriage			Any Other Name Change	
Gender									
<input type="checkbox"/> M (Male)			<input type="checkbox"/> F (Female)			<input type="checkbox"/> X (Indeterminate/Intersex/Unspecified)			
Relationship to Applicant									
Date of Birth		City/Town (of birth)			State (of birth)			Country (of birth)	
Drivers Licence No	Date Of Expiry			State of Licence					
Contact Telephone Nos.	(H)	(W)	(M)						
Permanent Residential Address (Australia)							Period of Residence		
Current					Postcode:		/ / to / /		
Previous					Postcode:		/ / to / /		
Criminal Charge(s), Infringements, Convictions or Pecuniary Penalties									
1 Are you the subject of any criminal / traffic charge(s) still pending?							<input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, please provide details									
.....									
2 Do you have any conviction(s) or finding(s) of guilt?							<input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, please provide details									
.....									
OFFICE USE ONLY									
Return Completed Form to:			Team No.		Vetting Officer Initial		For POLICE Use Only		
Australian Federal Police Personnel Security Vetting Security GPO Box 401 Canberra City 2601							Result		

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Form 4a: Consent to Obtain Personal Information - Partner

I, Hereby:

(FULL NAME IN BLOCK LETTERS IN INK)

8. acknowledge that I have read the information leaflet provided with this form

This check is in relation to my partner and is for the following purpose:

Employment:	Sworn/Unsworn	
	Prospective employee/contractor	Existing employee/contractor
Security Clearance:	Access to Secret/Top Secret	Other
Site Access:	Access to AFP premises	

- 9. certify that the personal information provided on this form relates to me and is correct;
- 10. acknowledge that the details contained on this form, may be forwarded to the AFP, the Australian Criminal Intelligence Commission, other Commonwealth entities and/or State/Territory Police Services;
- 11. consent to the AFP and any other State/Territory Police Services extracting details of any convictions, findings of guilt or pending court proceedings relating to me, including in relation to any traffic offence, and providing that information to the AFP ;
- 12. acknowledge that the information provided on this form will not be used without my prior consent for any purpose other than set out in this consent form and the attached National Police Check Information Leaflet, unless otherwise authorised by law;
- 13. understand that it is an offence to provide false or misleading information in this application, or omit to provide information that may result in this application being false or misleading; and
- 14. acknowledge that any information provided on this form or disclosed as a result of this check may be taken into account in assessing my partner’s suitability for employment or providing services to the AFP as an AFP appointee or contractor.

Signed:		Date: / /
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NOTE

“Employment” includes engagement as a contractor, secondee or special member.

Please ensure that you sign and date the form and complete all sections

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Form 7: Handling AFP Information – Some Applicable Legislative Provisions

1. General

There are many Commonwealth laws that apply to Commonwealth employees, contractors and other people working for the AFP. Some of these provisions are summarised below, however this list is not intended to be exhaustive. They represent examples of some provisions that might apply in respect of information about what you may encounter while working for the AFP.

In most instances, these laws will continue to apply even after you have ceased working with the AFP, this legislation is available at: www.comlaw.gov.au

If you have any questions regarding this document please contact AFP Personnel Security Vetting.

2. Australian Federal Police Act 1979

Section 60A provides that:

- 1) This section applies to a person who is, or was at any time:
 - a) the Commissioner; or
 - b) a Deputy Commissioner; or
 - c) an AFP employee; or
 - d) a special member; or
 - da) a special protective service officer; *or*
 - e) a person engaged under section 35; or
 - f) a person performing functions under an agreement under section 69D.
- 2) A person to whom this section applies must not, directly or indirectly:
 - a) make a record of any prescribed information; and
 - b) divulge or communicate any prescribed information to any other person;

except for the purposes of the AFP Act or the regulations or the Witness Protection Act 1994 or regulations under that Act, or for the carrying out, performance or exercise of any of the person's duties, functions or powers under this Act or the regulations or the Witness Protection Act 1994 or regulations under that Act.

3. Penalty: Imprisonment for 2 years

In this section, 'prescribed information' means information obtained by a person to whom this section applies in the course of carrying out, performing or exercising any of the person's duties, functions or powers under this Act or the regulations or the Witness Protection Act 1994 or regulations under that Act, or otherwise in the course of the person's service, employment or engagement under this Act or the regulations or the Witness Protection Act 1994 or regulations under that Act.

4. Other secrecy provisions

There are other secrecy provisions which may apply. These include, for example, Section 70 of the Crimes Act 1914 (Cth) which prohibits a Commonwealth Officer communicating information obtained by virtue of being a Commonwealth Officer which it is his/her duty not to disclose.

Additionally there are many other secrecy provisions that might apply to certain types of other information that persons working with the AFP may encounter. They include, for example, information relevant to the investigation of complaints against AFP personnel, telecommunications information, financial information, and some information obtained from other countries.

5. Computer Offences

The Criminal Code Act 1995 (Cth) includes many offences relating to unauthorised access to or modification or impairment of computer data.

6. Privacy Act

AFP is an APP entity and an agency for the purposes of the Privacy Act 1988 (Cth). Accordingly, it is bound by the 11 Australian Privacy Principles at section 14 of the Privacy Act in relation to the collection, storage, use and disclosure of personal information.

7. Other

There are a wide range of other offences that may arise from improper handling of AFP information. For example, dishonestly using information to obtain a benefit from anyone, or cause detriment to anyone is a serious offence under the Criminal Code Act 1995 (Cth).

(COMMONWEALTH)
BY THE AUSTRALIAN FEDERAL POLICE

Form 7: Handling AFP Information – Some Applicable Legislative Provisions

I,

(Name in BLOCK letters)

Of

In the State of

(Address)

Understand that I am/will be engaged as: (Please tick appropriate box)

- a Deputy Commissioner; or
- an AFP employee; or
- a special member; or
- a person engaged under section 35; (consultant / contractor); or
- a person performing functions under an agreement under section 69D (secondment).

Understand that I have been identified as requiring access to AFP resources only e.g. PROMIS

- Government personnel identified as requiring access to AFP resources only (PROMIS).

Acknowledge and Agree to the following:

In the course of my employment with, or whilst providing services or assistance to, the Australian Federal Police ('AFP'), I may become aware of information (including personal information) that may be:

- confidential;
- subject to the *Privacy Act 1988* (Cth); or
- subject to Commonwealth secrecy laws.

The *Australian Federal Police Act 1979* (Cth) secrecy provision provides that any information obtained in the course of carrying out, performing or exercising any AFP duties, functions or powers is protected (referred to as 'AFP information').

I 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.

I must not use, disclose, divulge, communicate or record AFP information except in the course of performing my duties or providing services or assistance to the AFP.

I am considered to be a Commonwealth Officer as defined by the *Crimes Act 1914* (Cth) and/or a Commonwealth Public Official as defined in the *Criminal Code 1995* (Cth).

I have received a copy of the document titled "*Handling AFP Information – Some Applicable Legislative Provisions*" (see attached), that sets out some of the applicable provisions relating to the access, use and disclosure of AFP information. I understand that these provisions may apply irrespective of whether a document is marked with a security classification.

I am aware that giving false or misleading information to the Commonwealth is a serious offence under Division 137 of the *Criminal Code Act 1995* (Cth), punishable by imprisonment for 12 months.

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

Printed Name: Signature: Date:

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Form 8: General Consent

I	
	(Full Name)
of	
	(Address)
<p>have read the Australian Federal Police (AFP security clearance information leaflet, and Notes below which explain the need for me to undergo the security clearance process in accordance with Australian Government Policy. I acknowledge that this process requires the AFP to make various enquires/checks about me (including checks with Authorised Vetting Agencies, other Law Enforcement Agencies, State/Territory or Commonwealth Entities or Personal History Authentication Authorities). I consent to:</p> <ul style="list-style-type: none"> • the AFP having access to and sharing relevant information and documents about me which will assist in the making of a decision about my suitability for employment and a security clearance; • this information being further disseminated within the AFP and to Authorised Vetting Agencies, other Law Enforcement Agencies or State/Territory or Commonwealth Entities for the purpose of ongoing employment suitability and/or integrity assessments and any review of a security clearance; • the communication of such information to such AFP appointees, contractors or consultants (and/or their equivalent in the relevant external agencies) whose duties are conducive to those processes; • this information being disclosed to future prospective employers for the purpose of determining my suitability for future employment or service with that prospective employer; and to • this information being disclosed to any Australian law enforcement agency for use for their respective law enforcement purposes including the investigation and prosecution of criminal offences. <p>NOTES</p> <ul style="list-style-type: none"> • The nature of employment suitability assessments and security clearance vetting is such that it cannot be determined from the outset how many, and to what extent, checks and enquiries will need to be made in order to be able to make an informed and reasoned assessment about a person's suitability. For that reason the General Consent Form cannot specify exactly what specific checks or enquiries will be made for each security clearance and your general consent to make all relevant inquiries and checks is sought. • However, you are advised that in all cases the following checks will be made: <ul style="list-style-type: none"> ○ corroboration of any previous Commonwealth employment, including with the Defence Force, and checks of any existing security records; ○ corroboration of personal history for a minimum of 10 years; ○ corroboration of overseas travel; ○ checks for bankruptcy and of credit history; and ○ criminal record checks. • Any or all of (but not limited to) the following checks and enquiries may be made on a needs basis: <ul style="list-style-type: none"> ○ checks to verify the authenticity and validity of personal and identity documents; ○ check of education documentation with relevant school, college, university and the like; ○ corroboration of overseas travel with Immigration records; ○ enquiries with banks, building societies, credit unions and others with whom you have financial dealings; ○ enquiries with current or previous employers about your general character, reliability, trustworthiness, any disciplinary, conduct or criminal matters in relation to your employment, or any other matter considered relevant to the assessment of your suitability; ○ enquiries with friends, relatives and associates about your general character, reliability, trustworthiness etc; ○ checks of online search information and social media relating to you; and ○ checks or enquiries with any other persons, agencies or organisations which may be able to contribute information relevant to the assessment of your suitability for the access proposed. 	
<p>AND RELEASED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT 1982 (COMMONWEALTH) EFFECT OF NON-DISCLOSURE BY THE AUSTRALIAN FEDERAL POLICE</p>	
Printed Name:	Signature: Date:

Provision of information is voluntary. A failure to furnish all or part of the information requested may, however, prevent completion of the request for security clearance or access.

Form 9. Statutory Declaration

Person before whom a Statutory Declaration may be made

MEMBERS OF CERTAIN PROFESSIONS

- Chiropractor
- Dentist
- Legal practitioner
- Medical practitioner
- Nurse
- Patent attorney
- Pharmacist
- Veterinary surgeon

OTHER PERSONS

- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- Australian Consular Officer, or Australian Diplomatic Officer, (within the meaning of Consular Fees Act 1955)
- Bailiff
- Bank officer with 5 or more continuous years of service
- Building Society officer with 5 or more years of continuous service
- Chief Executive Officer of a Commonwealth court
- Civil Marriage celebrant
- Clerk of a court
- Commissioner of Affidavits
- Commissioner of Declarations
- Credit Union officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this part
- Judge of a court
- Justice of the Peace
- Magistrate
- Master of a court
- Member of the Australian Defence Force who is:
 - (a) an officer; or
 - (b) a non commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of experience;
 - (c) Warrant officer within the meaning of that Act.
- Member of the Institute of Chartered Accounts in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- Member of the Institute of Corporate Managers, Secretaries and Administrators
- Member of the Institution of Engineers, Australia, other than at the grade of student
- Member of:
 - (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a Local Government Authority of a State or Territory
- Minister of religion registered under Division 1 of Part IV of the Marriage Act 1961
- Notary public
- Permanent employee of:
 - (a) the Commonwealth or of a Commonwealth Authority; or
 - (b) a State or Territory or of a State or Territory Authority; or
 - (c) a Local Government Authority;With 5 or more continuous years of service who is not specified in another item in this Part
- Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Person before whom a statutory declaration may be made under the law of the State or territory in which the declaration is made:

- Police Officer
- Registrar, or Deputy Registrar, of a court
- Senior Executive Service officer of the Commonwealth, or of a State or Territory, or of a Commonwealth, State or Territory Authority
- Sheriff
- Sheriff's officer
- Teacher employed on a full-time basis at a school or Tertiary Education Institution

Form 9. Statutory Declaration COMMONWEALTH OF AUSTRALIA

I,	Name:	
	Address:	
	Current Occupation:	

do solemnly and sincerely declare as follows;

1. that I have to the best of my knowledge truthfully completed the schedule and attached all the information, completed forms and relevant personal documents specified therein;
2. that these attachments, forms and documents relate to me;
3. that the information contained in these attachments, forms and documents is to the best of my knowledge truthful, complete and accurate;
4. that I have not wilfully omitted any attachment or information that might, if included as an attachment or in the information, prejudice the granting of a security clearance; and
5. that all personal documents provided by me for the security clearance process relate to me and are as issued by the relevant authority, without any alterations.

I understand that a person who intentionally makes a false statement in a Statutory Declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Person making the declaration..... *Full printed name of the person making the declaration*

Signature *Signature of person making the declaration*

Declared at *Place* on *Date*

Of *Month & year*

Before me;

Signature *Signature of person before whom the declaration is made*

..... *Full printed name of person before whom the declaration is made*

..... *Title and qualification of person before whom the declaration is made*

..... *Address of person before whom the declaration is made*

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Note 1: A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2: Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

Commonwealth Contract – Consultancy Services



Australian Government

Commonwealth Contract – Consultancy Services

Reference ID: 728375987

Customer

Customer Name: AFP
Customer ABN: 375079023959
Address: 47 Kings Avenue
Barton ACT 2600

Supplier

Full Name of the Legal Entity: John Lawler, trading as John A Lawler AM APM Consulting
Supplier ABN: 55 285 009 566
Address:

s47G

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s22(1)(a)(ii)

Commonwealth Contract – Consultancy Services

Statement of Work

C.A.1 Key Events and Dates

This Contract commences on the Contract Start Date or the date this Contract is executed, whichever is the latter, and continues for the Contract Term unless:

- a) it is terminated earlier; or
- b) the Customer exercises the Contract Extension Option, in which case this Contract will continue until the end of the extended time (unless it is terminated earlier).

Event	Details
Contract Start Date:	Tuesday 01 October 2019 Friday 18 October 2019
Contract Term:	This Contract will terminate on Tuesday 21 January 2020.
Contract Extension Option:	This Contract includes the following extension option(s): The Customer may, in its absolute discretion, extend this Contract for a further 2 months, to 21 March 2020.

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Commonwealth Contract – Consultancy Services

C.A.2 The Requirement

1 Introduction

- 1.1 The Customer has engaged the Supplier to undertake an independent process review into the handling of sensitive investigations (the **Review**). The Review will ensure that all aspects of such investigations are as efficient and effective as possible, and will determine whether the existing investigative policy and guidelines are fit for purpose

2 Service Requirements

- 2.1 The Supplier must undertake the Review and prepare a report in accordance with the terms of reference:

Terms of Reference for the Independent Review of the Conduct of Sensitive Investigations in the AFP.

The Australian Federal Police, as the Australian Government's only policing agency, receives a range of referrals that have levels and/or aspects of sensitivity beyond those normally received. Such referrals typically have a political imperative, higher than normal levels of classification and media scrutiny, and require some form of senior management oversight. At present, sensitive investigations include matters relating to unauthorised disclosures; the application of Parliamentary privilege; espionage and foreign interference; and war crimes. In light of the Commissioner's public commitment to review the processes around the recent investigations involving News and the Australian Broadcasting Commission, the Commissioner has requested a process review into the handling of sensitive investigations with a view to ensuring all aspects of their conduct (from point of referral through the authorisation and their ongoing management) are as efficient and effective as possible and to determine whether the existing investigative policy and guidelines are fit for purpose.

Drawing, as appropriate, on case studies and consultations this review of sensitive investigations will provide the Commissioner's Office with options around opportunities for interventions and strategies to ensure the AFP is best placed to address sensitive investigations in the future, including the:

- a. Baselineing of what constitutes a sensitive investigation
- b. Articulation of the human resources, skills, training, technology and facilities required
- c. Reformation of governance and business processes (including alternative mechanisms for referring entities beyond the AFP)
- d. Organisational structures

In the conduct of this review the AFP requires you to draw upon a small AFP review team that will be provided to you, to consult appropriately with relevant internal and external stakeholders within the Australian Government. The AFP expects you to work, given time constraints with reference to the work being undertaken by Ernst and Young on the AFP's future operating model and, given the public interest aspects of this review, the AFP requires an annexure to be produced with the express intent for public release should the Commissioner see fit. This review is to be completed no later than 20 January 2020 and the AFP reserves the right to request an interim report if circumstances arise whereby the full report has not been finalised. Similarly, should you in the course of your review find an issue or issues of concern the AFP requires you to bring these to the Commissioner's immediate attention.

- 2.2 The report must be delivered by no later than 20 January 2020.

3 Deliverables

- 3.1 The Supplier must provide 1 hard copy and 1 soft copy of the deliverables in accordance with the schedule detailed below:

Table 1: Contract deliverables

Commonwealth Contract – Consultancy Services

No.	Deliverables	Delivery Date
1	Draft report	12 January 2020
2	Final report	20 January 2020

3.2 All reports must:

- a. be accurate and not misleading in any respect;
- b. be prepared in accordance with directions provided by the Contract Manager;
- c. incorporate sufficient information to allow the Contract Manager to monitor and assess the success of the Services in achieving the Customer's objectives;
- d. be provided in Microsoft Word format (or Microsoft Excel format for spread sheets), unless otherwise approved or requested by the Contract Manager;
- e. not incorporate either the Customer or the Supplier's logo; and
- f. be provided at the time specified in the table above.

C.A.2(a) Standards

The Supplier must ensure that any goods and services provided under this Contract comply with all applicable Australian standards (or in its absence an international standard) including any requirements or standards specified in this Statement of Work. If requested by the Customer, the Supplier must enable the Customer, or an independent assessor, to conduct periodic audits to confirm compliance with all applicable Australian or international standards, including, but not limited to, those specified in this Statement of Work.

Web Content Accessibility

As applicable, the Supplier must ensure that any website, associated material and/or online publications (where applicable) complies with the Web Content Accessibility Guidelines available at: <https://www.w3.org/WAI/intro/wcag>.

C.A.2(b) Security Requirements

The cost of obtaining each security clearance will be borne by the Customer. The Supplier must ensure that its Specified Personnel promptly provide to the Customer relevant details to assist with the security clearance process, and the Supplier must notify the Customer promptly in writing of any change in circumstances which is likely to affect the Customer's assessment of the Specified Personnel's entitlement to hold a security clearance.

Supplier personnel are required to be cleared to a minimum level of NV1.

C.A.2(c) Work Health and Safety

Prior to commencement of this Contract, the Customer's Contract Manager and the Supplier's Contract Manager will identify any potential Work Health and Safety issues anticipated to arise during the term of this contract and assign management of each issue identified to the party best able to manage it. The Supplier will provide the Customer with a plan for approval.

Throughout the Contract Term, the Customer and the Supplier will proactively identify and cooperate to manage any Work Health and Safety issues that arise.

C.A.2(d) Delivery and Acceptance

Where the Customer rejects any deliverables under Clause C.C.11 [Delivery and Acceptance] the Customer will specify a timeframe in which the Supplier is required to rectify deficiencies, at the Supplier's cost, so that the deliverables meet the requirements of this Contract. The Supplier must comply with any such requirement. Rectified deliverables are subject to acceptance under Clause C.C.11 [Delivery and Acceptance].

The Supplier will refund all payments related to the rejected deliverables unless the relevant deliverables are rectified and accepted by the Customer.

Commonwealth Contract – Consultancy Services

If the Supplier is unable to meet the Customer's timeframe, the Customer may terminate this Contract in accordance with Clause C.C.16 [*Termination for Cause*].

Milestone Description	Contact for Delivery	Delivery Location/Email	Due Date
Draft Report	Contract Manager	AFP National Office	12/01/2020
Final Report	Contract Manager	AFP National Office	20/01/2020

C.A.2(e) Meetings

The Supplier is required to attend meetings as follows:

Meeting Type	Position Required	Frequency	Teleconference/ Onsite	Location
N/A				

C.A.2(f) Facilities and Assistance Offered by the Customer

The Customer will provide the Supplier with access to a team of AFP Appointees (approximately 3 full time appointees) to assist with the Review.

C.A.2(g) Customer Material

The Consultant will be provided with Customer material relevant to the Contract, including but not limited to: governance documents; case studies; case files; and statistics.

C.A.2(h) Conflicts of Interest

1. The Supplier warrants that, other than as previously declared in writing to the Customer, at the Contract Start Date no actual, perceived or potential conflicts of interest exist, or are anticipated, relevant to the performance by the Supplier of its obligations under the Contract. At any time during the period of this Contract, the Customer may require the Supplier to execute a conflict of interest declaration in the form specified by the Customer.
2. As soon as a Supplier becomes aware that an actual, perceived or potential conflict has arisen or is likely to arise during the Contract Term, the Supplier will:
 - a. immediately notify the Customer;
 - b. promptly provide the Customer with all relevant information relating to the conflict; and
 - c. comply with any reasonable requirements notified by the Customer to resolve or otherwise manage the conflict.
3. As soon as practicable, any verbal information provided by the Supplier must be followed by detailed written confirmation.
4. If the Supplier fails to notify the Customer as set out in clause C.A(h)2 or does not comply with the Customer's reasonable requirements to resolve or manage the conflict, the Customer may terminate this Contract in accordance with clause C.C.16 (Termination for Cause).

C.A.2(i) Public Interest Disclosure

Public officials (including service providers under a Commonwealth contract) who suspect wrongdoing within the Commonwealth public sector can raise their concerns under the *Public Interest Disclosure Act 2013* (PID Act). Prior to making a disclosure, refer to information available at: <http://www.ombudsman.gov.au/about/making-a-disclosure/information-for-disclosers>.

All Public Interest Disclosure matters (relating to this procurement) should be referred to:

Name/Position:	Authorised Officer
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s47F

Commonwealth Contract – Consultancy Services

Email Address:	PID@AFP.gov.au
Telephone:	02 5126 0000

C.A.2(j) Complaints Handling

Any complaints relating to this procurement should be referred to:

Name/Position:	AFP Procurement Complaints Officer
Email Address:	AFP-RFT@afp.gov.au
Telephone:	02 5126 0000

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C.A.3 Contract Price

The maximum Contract Price inclusive of GST and all taxes and charges will not exceed s47G is set out below.

Fee Rates

Position Role/Level	Days	Daily Fee (GST Inclusive)	Total Fee (GST Inclusive)
Consultant	50		s47G

Total Fees s47G **GST Inclusive**

Adjustment to Fixed Pricing for Contract Variation/Extension

Not applicable

Expenses

The Supplier may only claim reimbursement for expenses when the expense is nominated in the table below, and the Customer has granted specific written approval prior to the relevant expense being incurred.

Additionally:

- a) all domestic air travel must be economy class,
- b) amounts claimed for accommodation and other expenses must not exceed the total amount specified in Table 2 of **TD 2018/11** or any replacement Taxation Determination issued by the Australian Taxation Office, and
- c) a claim for reimbursement is submitted supported by a copy of the paid Tax Invoice.

Description/Comments	Cost GST Exclusive	GST Component	Total Cost GST Inclusive
The Customer will reimburse reasonable airfares, accommodation and taxis where the Customer approves travel to a location outside of the ACT		s47G	

Maximum Estimated Expenses (not included above) s47G **GST Inclusive**

C.A.3(a) Payment Schedule

If the Supplier incurs any reimbursable expenses, the Customer will reimburse the Supplier at cost (exclusive of GST) on submission of a claim for reimbursement supported by a copy of the paid Tax Invoice.

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Commonwealth Contract – Consultancy Services

C.A.4 Contract Managers and Addresses for Notices

Contract Managers are responsible for issuing or accepting any written Notices under this Contract and are the contact points for general liaison.

C.A.4(a) Customer's Contract Manager:

The person occupying the position of: Coordinator - Executive Secretariat & Communications
Currently: [REDACTED]
Telephone: [REDACTED] s22(1)(a)(ii)
Mobile: [REDACTED]
Email Address: [REDACTED]
Postal Address: 47 Kings Ave
Barton ACT 2600

C.A.4(b) Customer's Address for Invoices:

Addressee Name/Position Title: Client Account Services
Telephone: [REDACTED]
Email Address: [REDACTED] s22(1)(a)(ii)
Postal Address: GPO Box 401
Canberra ACT 2601

The Customer's preferred method of invoicing is by email.

C.A.4(c) Supplier's Contract Manager:

Name: Mr John Lawler
Position Title: Consultant
Telephone: [REDACTED]
Mobile: [REDACTED]
Email Address: [REDACTED] s47G
Postal Address: [REDACTED]

C.A.4(d) Supplier's Address for Notices

Name: Mr John Lawler
Position Title: Consultant
Email Address: [REDACTED]
Postal Address: [REDACTED] s47G

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Commonwealth Contract – Consultancy Services

C.A.5 Specified Personnel

Position/Role	Name	Current Security Clearance Level	Percentage of Total Project Time
Consultant	Mr John Lawler	s47G	100%

C.A.6 Subcontractors

None Specified

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