

Dr Marisa Paterson MLA

Minister for Police, Fire and Emergency Services

Minister for Women

Minister for the Prevention of Family and Domestic Violence

Minister for Corrections

Minister for Gaming Reform

Member for Murrumbidgee

RESPONSE TO QUESTION ON NOTICE**Questions on Notice Paper No 5****11 April 2025****Question No. 351****MR RATTENBURY:** To ask the Minister for Police, Fire and Emergency Services —

1. Further to a question asked to the Minister on 8 April 2025 about the Professional Standards Unit investigation in relation to an Sergeant David Power's breach of the AFP Code of Conduct, can the Minister advise (a) what work is underway to amend the secrecy provisions in the AFP Act and the AFP Regulations so that information, including the finding of the breach and sanctions, is not protected by secrecy provisions and so that Canberrans can have faith in the AFP, (b) what are the "multiple avenues for external oversight of ACT Police" that the Minister referred to in their response, (c) which of those avenues make information about investigations into AFP members public and (d) what information for each of those avenues is made public e.g. sanctions, findings and any other information.
2. How many matters have been referred to the AFP Professional Standards Unit or any other avenue (like those the Minister referenced in question time on 8 April 2025) relate to proceedings where the officer being investigated was the informant or involved in the charges being brought where those charges were ultimately dismissed against the defendants in the matter.
3. In how many of those matters that were dismissed were the defendants who had been arrested identified as First Nations people.
4. What was the outcome of the investigations of the matters referred to in part (2).



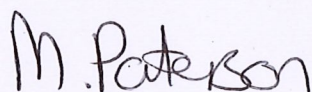
MARISA PATERSON MLA - The answer to the Member's question is as follows:

1.

- a) AFP Professional Standards (PRS) is responsible for the development and maintenance of a robust and transparent framework to safeguard and strengthen the integrity of the AFP. It operates under Part V of the *Australian Federal Police Act 1979* (Cth) (AFP Act) to support the agency and its appointees through the AFP's integrity framework, based on the key elements of prevention, detection, response and continuous improvement. Maintaining professional standards is an individual responsibility expected of all AFP appointees and is essential to the AFP's organisational success and ensures the AFP maintains the support, faith and confidence of the community, Australian Government and stakeholders. There is no legislative reform regarding the secrecy provisions set out in the AFP legislative framework currently underway.
- b) ACT Policing are subject to multiple oversight avenues. These include a number of mandated reporting requirements the AFP has in relation to conduct and integrity matters pertaining to AFP appointees. PRS is the unit constituted in accordance with section 40RD of the AFP Act, with the independent responsibility for the investigation of Category 3 (serious misconduct) and corruption issues engaged in by AFP appointees. The PRS unit is somewhat independent from the agency, including ACT Policing and is responsible for maintaining, promoting and enhancing integrity within the AFP through incorporating the development and delivery of misconduct prevention strategies as well as investigating and resolving serious misconduct, practices issues and corruption matters. Additionally, the Commonwealth Ombudsman is responsible for undertaking monitoring activities and inspecting AFP records, which includes ACT Policing. Pursuant to section 40XA of the AFP Act, at least once every 12 months the Ombudsman must, for the purpose of reviewing the administration of Part V, inspect the records of the AFP conduct and practices issues dealt with under Divisions 3 and 4 of Part V of the Act, referred to as a records review. Under section 40XB of the Act, the Commonwealth Ombudsman may also conduct a review at any time, referred to as an ad hoc review. The objective of each review is to assess the AFP's administration of Part V of the Act. This oversight/review process requires the Commonwealth Ombudsman to assess whether the AFP provides a fair, transparent and reasonable complaint management process to the public and AFP appointees (both as complainants and subject appointees). The Commonwealth Ombudsman may then make recommendations, suggestions or comments in its annual report about the AFP's administrative practices.
- c) Section 40XD of the AFP Act requires the Commonwealth Ombudsman to report to Parliament on the reviews and oversight activities conducted during the preceding 12 months. The reports are tabled in Parliament and then published, which the public may access. The information contained within each report is comprehensive, however omits any personal information relating to complainants, subjects and other sensitive information, in order to protect the privacy of individuals and maintain confidentiality as required by law. A member of the public has the right to seek access information held by the AFP in line with the *Freedom of Information Act 1982* (Cth) (FOI Act). The AFP will assess any FOI requests (including those in relation to misconduct investigations) against the provisions of the FOI Act and will provide that information unless an exemption applies.

- d) Complaint information, such as sanctions and findings are subject to the secrecy provisions outlined in the AFP Act and Australian privacy law and as such, limited detail is made public. However, complainants or other parties with a lawful interest in a complaint are provided with complaint outcome correspondence, noting the correspondence may include prescribed information as defined by Part V of the AFP Act and therefore should not be disseminated or discussed further without the relevant authority to do so.
2. No such matters, like that referenced in question 1, have been referred to AFP Professional Standards in the last 12 months.
 3. No such matters, like that referenced in question 1, have been referred to AFP Professional Standards in the last 12 months.
 4. No such matters, like that referenced in question 1, have been referred to AFP Professional Standards in the last 12 months.

Approved for circulation to the Member and incorporation into Hansard.



Marisa Paterson MLA

Minister for Police, Fire and Emergency Services

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12-5-25

Date:

This response required 13hrs 50mins to complete, at an approximate cost of \$1,233.31.

