

## **Submission by the Australian Federal Police**

### **Background:**

The Australian Federal Police (AFP) was established with the introduction of the Australian Federal Police Act 1979 and is the major instrument of Commonwealth law enforcement. Its role is to enforce Commonwealth criminal law and protect Commonwealth and national interests from crime in Australia and overseas. The AFP is Australia's international law enforcement and policing representative and the chief source of advice to the Government on policing issues. The AFP has primary responsibility for ensuring that the Commonwealth's law enforcement interests are protected.

The AFP works in partnership with the police services of the States and Northern Territory, other government agencies and with international law enforcement organisations.

In particular, the AFP has a strategic alliance with the National Crime Authority (NCA) and close links with the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Australian Customs Service (ACS). Criminal intelligence liaison staff are based in 16 countries, and an AFP representative is attached to Interpol in France.

### **Inter Governmental Agreements**

There is an intergovernmental agreement between the Commonwealth of Australia and the ACT Government for the delivery of police services to the ACT. The AFP see this purchaser/provider agreement as operating outside the normal cost recovery guidelines.

### **Cost Recovery Arrangement in the AFP**

As a police service the AFP is not a Government Enterprise Business (GBE). The AFP does not charge for the core law enforcement services provided nor would it be appropriate to do so. The AFP's cost recovery arrangements do not have a public focus. The AFP would only undertake cost recovery arrangements towards an individual or business group should they seek a service detailed in AFP Regulation 34 schedule 2, refer Attachment A (eg police report) or seek to hire AFP training facilities. Parliamentary oversight of the Regulations provides a very visible constraint on any potential of over charging by the AFP.

The AFP's cost recovery arrangements are therefore limited to valued added non-core services and notionally split into the following categories:

- Recovery of member's time for provision of police services;
- Fees charged for provision of various police reports (including search of AFP records, accident, fire and finger print checks), copies of photographs, audio or video tapes;
- Provision of training facilities; and
- Asset sales and interest income.

## **Interagency Arrangement**

To achieve some whole of Government law enforcement results, there are arrangements in place to share resources thus promoting the flow of information and co-operation across law enforcement agencies. In many instances the benefit received by the two agencies, particularly the flow of intelligence cannot be measured in monetary terms. The exchange of information and skills assists the AFP in the delivery of its outcome to Government that is, investigating and preventing crime against the Commonwealth and protection of Commonwealth interests in Australia and overseas.

In some cases staff are seconded to other agencies for a certain period of time or for a particular operation. In these instances direct costs may be recovered by the AFP rather than adhering to “full cost recovery” principles. In these cases we suggest such arrangements should be outside the “cost recovery” guidelines.

## **AFP Pricing Policy**

Before undertaking to provide a good/service the AFP calculates the “full cost” of delivering the activity, that is the direct and indirect costs. This identifies to management the resources that will be consumed by the activity. The cost to the AFP is then considered against other benefits the AFP may receive by undertaking the activity before an agreement is reached with the purchaser.

The AFP has entered into memorandums of understanding with other government agencies and state governments to provide policing services outside its core activities. These arrangements do not rely on “full cost recovery” rather detail the commitment each party agrees to make, performance indicators and the amount which shall be recovered.

Where the activity costed has been specified as a prescribed fee in AFP Regulation 34 schedule 2 the full cost to the AFP of delivering the service is charged to the user. These fees are mainly associated with the provision of various police reports (including search of AFP records, accident, fire and finger print checks), copies of photographs/audio/video tapes etc. In this instance each report attracts the same fee regardless of whether the end user is a government department, business or individual. Any price increases in a fee specified in AFP Regulation 34 must be approved by Parliament.

## **Conclusion**

The Government relies on the flow of intelligence and other resources particularly between law enforcement agencies to achieve cross agency outcomes. In such situations goods/services may be supplied at an agreed amount or free of a monetary charge. The AFP believes the promotion of interagency co-operation within law enforcement is essential to the overall achievements being sought by Government. The introduction of guidelines, which envisage full cost recovery in every situation, would be complex and counter productive to the Governments long-term interests especially in intelligence gathering agencies. The AFP therefore suggests guidelines should not apply to these “core” law enforcement activities.

The role of cost recovery to improve the efficiency and effectiveness of government programs is still relevant. However, the AFP believes efficiency and effectiveness is not necessarily obtained by seeking “full cost recovery” in every situation. The AFP considers the full cost of undertaking the activity must be considered by management as well as intangible benefits before a price and agreement are settled.



# **Australian Federal Police Regulations 1979**

**Statutory Rules 1979 No. 210 as amended**

made under the

*Australian Federal Police Act 1979*

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Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra





# Australian Federal Police Regulations 1979

Statutory Rules 1979 No. 210 as amended

made under the

*Australian Federal Police Act 1979*

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Regulation 1

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## Part 1 Preliminary

### 1 Name of Regulations [see Note 1]

These Regulations are the *Australian Federal Police Regulations 1979*.

### 2 Interpretation

In these Regulations:

*Act* means the *Australian Federal Police Act 1979*.

*AFP* means Australian Federal Police.

*AFP records* means the records of the Australian Federal Police.

*cost to AFP for use of AFP employee's time*, in relation to making an AFP employee available to render a service, means:

- (a) if the employee is made available for a minimum of 4 hours and renders the service for 4 hours or less — the amount of remuneration payable to the employee for 4 hours plus 150.2% of his or her base salary for 4 hours; or
- (b) in any other case — the amount of remuneration payable to the employee for the period when he or she renders the service plus 150.2% of his or her base salary for the period.

*Merit Protection Commissioner* means the Merit Protection Commissioner appointed under the *Public Service Act 1999*.

*remuneration*, for an AFP employee, means the base salary and any overtime, penalties and other allowances payable to the employee.

*Note* The following expressions used in these Regulations are defined in subsection 4 (1) of the Act:

- AFP employee
- commissioned police officer
- Commissioner
- Deputy Commissioner
- duties
- member of the Australian Federal Police
- special member.

## **Part 2 Employment**

### **Division 2.1 Employment decisions**

#### **3 AFP values**

Employment decisions in the AFP must be based on the following values:

- (a) impartiality and professionalism;
- (b) merit;
- (c) freedom from discrimination;
- (d) openness and accountability;
- (e) fairness;
- (f) equity in employment;
- (g) effectiveness.

#### **4 Competence and qualifications of commissioned police officers**

- (1) A member of the Australian Federal Police is competent and qualified to be a commissioned police officer if the member:
  - (a) is an Australian citizen; and
  - (b) has reached the age of 18 years; and
  - (c) has been certified by a medical practitioner, approved by the Commissioner, to be in good health; and
  - (d) has the experience, qualifications and training required for the effective performance of the duties of a commissioned police officer, as specified by the Commissioner; and
  - (e) having regard to any other factors that are relevant to the performance of the duties of a commissioned police officer, is suitable to be a commissioned police officer.
- (2) However, if the Commissioner considers it appropriate to do so, the Commissioner may recommend that paragraph (1) (a) not apply to a member who is otherwise competent and qualified to be a commissioned police officer.

## Regulation 5

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### 5 Suspension from duties

- (1) The Commissioner may suspend an AFP employee from duties:
  - (a) if the Commissioner believes on reasonable grounds that the employee:
    - (i) may have committed a disciplinary offence; or
    - (ii) has failed to comply with professional standards; or
  - (b) to allow the employee to contest an election to a non-parliamentary body.
- (2) The Commissioner may also suspend an AFP employee from duties if:
  - (a) the employee is charged with having committed a summary or indictable offence against a law of the Commonwealth, a State, a Territory or another country; and
  - (b) the Commissioner believes that, because of the nature of the offence, the employee should not continue to perform his or her duties until the charge has been determined.
- (3) A suspension is with remuneration.
- (4) However, the Commissioner may direct that suspension be without remuneration.
- (5) The Commissioner must end the suspension if:
  - (a) he or she no longer believes on reasonable grounds that the employee:
    - (i) may have committed a disciplinary offence; or
    - (ii) has failed to comply with professional standards; or
  - (b) the employee fails to be elected to the non-parliamentary body; or
  - (c) if subregulation (2) applies, the employee is found not guilty of the offence with which he or she has been charged.
- (6) The Commissioner must end the suspension if a penalty has been imposed on the employee for the disciplinary offence (unless the offence is a relevant offence within the meaning of subregulation 38 (1) of the *Australian Federal Police (Discipline) Regulations 1979*).

### 6 Suspension of declarations under section 40B

The Commissioner may, for a specified period of time, suspend a declaration made under section 40B of the Act.

## **Division 2.2            Conditions of employment**

### **7            Allowances under subsection 20 (2) of the Act**

For subsection 20 (2) of the Act, a displacement allowance of \$13 500 a year is prescribed.

### **8            Undertaking**

For paragraphs 36 (2) (a), (3) (a) and (4) (a) of the Act, the undertaking in Form 1 of Schedule 1 is prescribed.

### **9            Oaths and affirmations**

For subsection 36 (1) and paragraphs 36 (2) (b), (3) (b) and (4) (b) of the Act, the oath in Form 2 of Schedule 1 and the affirmation in Form 3 of Schedule 1 are prescribed.

**Regulation 10**

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**Division 2.3 Election candidates**

**10 Resignation to contest election**

- (1) An AFP employee may resign from the AFP to become a candidate at an election of a member or members of:
  - (a) the Parliament of the Commonwealth or a State; or
  - (b) the Legislative Assembly for the Australian Capital Territory or of the Northern Territory.
- (2) However, the employee may not resign for that purpose earlier than the date of issue of the writ for the election or later than the date on which the nominations for the election close.
- (3) The employee must give the Commissioner, no later than 2 weeks before he or she proposes to resign, notice in writing specifying the day on which he or she proposes to resign.

**11 Re-engagement of person who resigns to contest election**

- (1) This regulation applies to a person who:
  - (a) resigns from the AFP under regulation 10; and
  - (b) fails to be nominated at the election or, if nominated, fails to be elected at the election; and
  - (c) applies to be re-engaged as an AFP employee within 2 months after the declaration of the result of the election (or, if the result is disputed, within 2 months after a court of disputed returns decides the petition disputing the result, or the petition is withdrawn or lapses).
- (2) The person must be again engaged as an AFP employee on the same terms and conditions as would apply to the person if the person had not resigned.
- (3) If a declaration under subsection 9 (2A) or (2B), or section 40B or 40D of the Act was in force in relation to the person immediately before the person resigned, then, unless it would have ceased to be in force sooner, the declaration is taken to continue to be in force from the day when the person is again engaged until it would otherwise cease to be in force.

**Regulation 11**

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- (4) The period between the person's resignation and the day when the person is again engaged as an AFP employee is to be recognised as service for all purposes.

**Regulation 12**

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**Division 2.4 Financial matters**

**12 Financial statements**

- (1) A statement given to the Commissioner under subsection 40L (1) of the Act is confidential and the information contained in it must not be disclosed except for the purpose for which it was collected.
- (2) The statement must be stored in a way that ensures confidentiality is maintained.
- (3) The statement must only be handled:
  - (a) by the Commissioner or a person authorised by the Commissioner;  
and
  - (b) for the purpose for which it was collected.

*Note* Contravening subsection 40L (3) of the Act is a disciplinary offence under regulation 29 of the *Australian Federal Police (Discipline) Regulations 1979*.

**13 Attachment of salaries to satisfy judgment debts**

- (1) The AFP may make deductions from the salary of any of the following persons to satisfy a judgment debt:
  - (a) the Commissioner;
  - (b) a Deputy Commissioner;
  - (c) an AFP employee;
  - (d) a special member.
- (2) A fee of \$35 is payable in connection with deductions made for a particular judgment debt.
- (3) The fee is payable by the person to whom the judgment debt is owed.
- (4) For subregulation (1), *judgment debt* includes interest on a judgment debt.

## **Division 2.5            Miscellaneous**

### **14            Awards for bravery**

- (1) For subsection 61 (1) of the Act, the following awards are prescribed:
  - (a) the Commissioner's Commendation for Bravery;
  - (b) the Commissioner's Certificate for Conspicuous Conduct.
- (2) For subsection 61 (2) of the Act, the following criteria are prescribed:
  - (a) in relation to the Commissioner's Commendation for Bravery — the person has performed in the discharge of his or her duty an act of courage of a high order by consciously placing himself or herself at substantial risk of physical injury;
  - (b) in relation to the Commissioner's Certificate for Conspicuous Conduct — the person has demonstrated outstanding dedication to duty in circumstances demanding tenacity of a high order.

### **15            Voluntary retirement**

- (1) Notice under subsection 31 (1) of the Act must specify a day on which the retirement of the AFP employee is to take effect.
- (2) The day specified in a notice under subsection 31 (1) of the Act must not:
  - (a) be earlier than 14 days after the day on which the notice is given (unless the Commissioner approves a shorter period); or
  - (b) be later than 4 months after the day on which the notice is given.

**Regulation 16**

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## **Part 3 Review of employment decisions**

### **Division 3.1 Retirement due to physical or mental incapacity**

#### **16 Application for review**

- (1) An AFP employee who has been retired by the Commissioner under subsection 32 (1) of the Act may apply in writing to the Merit Protection Commissioner for review of the decision.
- (2) The application must be made through the Commissioner.
- (3) The application must be received by the Commissioner within 28 days after the employee is notified of the decision.
- (4) The application must state briefly why the review is sought.
- (5) The application does not operate to stay the decision.

#### **17 Notification of review**

Within 14 days after receiving an application, the Commissioner must give to the Merit Protection Commissioner:

- (a) the application; and
- (b) any documents relating to the making of the decision.

#### **18 Minimum requirements for conducting review**

- (1) The conduct of a review must meet the following minimum requirements:
  - (a) the review must be conducted with due regard to procedural fairness;
  - (b) the review must be conducted in private;
  - (c) the review must be finished as quickly, and with as little formality, as the proper consideration of the matter allows.
- (2) A person appearing before the Merit Protection Commissioner must do so without representation unless the Merit Protection Commissioner decides

that, in all the circumstances, it would be reasonable to allow the person to be represented.

**19 Requirement to provide information or documents**

- (1) The Merit Protection Commissioner may by written notice require the Commissioner or applicant to give to the Merit Protection Commissioner specified information or documents relevant to the review.
- (2) The Commissioner or applicant must give the information or documents in the way, and at or within the time, stated in the notice.

**20 Conduct of review**

The Merit Protection Commissioner may:

- (a) review the decision; and
- (b) make a recommendation to the Commissioner in writing about the review; and
- (c) tell the Commissioner in writing of the reasons for the recommendation; and
- (d) give a copy of the recommendation and reasons to the applicant.

**21 Exclusion of information**

- (1) The Merit Protection Commissioner may exclude information from a copy of recommendation and reasons that is to be given to an applicant, in response to an application for review, if:
  - (a) the recommendation and reasons refer to information of a medical or psychiatric nature; and
  - (b) the Merit Protection Commissioner thinks that the information may be prejudicial to the physical or mental health or well-being of the applicant.
- (2) However, if information is excluded, the Merit Protection Commissioner must tell the applicant in writing:
  - (a) that information has been excluded from the copy of the recommendation and reasons; and
  - (b) if the applicant nominates a medical practitioner for this regulation, the information will be given to the medical practitioner.

**Regulation 22**

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- (3) The Merit Protection Commissioner must give the information to the nominated medical practitioner as soon as possible.

**22 Action by Commissioner**

- (1) If the Commissioner receives a recommendation under regulation 20, the Commissioner must as soon as possible:
  - (a) consider the recommendation; and
  - (b) confirm or revoke the decision.
- (2) The Commissioner must notify the applicant and the Merit Protection Commissioner, in writing, of the decision made under paragraph (1) (b), and the reasons for it.

**23 Exclusion of information**

- (1) The Commissioner may exclude information from a copy of decision and reasons that is to be given to an applicant under subregulation 22 (2) if:
  - (a) the decision and reasons refer to information of a medical or psychiatric nature; and
  - (b) the Commissioner thinks that the information may be prejudicial to the physical or mental health or well-being of the applicant.
- (2) However, if information is excluded, the Commissioner must tell the applicant in writing:
  - (a) that information has been excluded from the copy of the decision and reasons; and
  - (b) if the applicant nominates a medical practitioner for this regulation, the information will be given to the medical practitioner.
- (3) The Commissioner must give the information to the nominated medical practitioner as soon as possible.

## **Division 3.2            Miscellaneous**

### **24            Process for review must exist**

- (1) The Commissioner must ensure that a process for reviewing AFP employment decisions exists at all times.
- (2) The process must be at least as favourable to AFP employees and special members as the process set out in the *Australian Federal Police Certified Agreement 1999–2000*, as at 1 July 2000.

**Regulation 25**

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## **Part 4                      Listening devices**

**25                      Prescribed State or Territory law: subsection 12C (1) of the Act**

For the purposes of subsection 12C (1) of the Act, the *Listening Devices Act, 1972* of South Australia is prescribed.

**26                      Prescribed circumstances: subsection 12C (1) of the Act**

For the purposes of subsection 12C (1) of the Act, the following circumstances are prescribed in relation to the use of a listening device under a warrant issued under section 6 of the Act prescribed in regulation 25:

- (a) on an application made by a member of the staff of the National Crime Authority who is a member of the Australian Federal Police; and
- (b) for the purposes of the investigation of a matter by the Authority, other than a matter that involved, involves or would involve, as the case may be, a class 1 general offence or a class 2 general offence within the meaning of Division 2 of Part II of the Act.

**27                      Prescribed forms: paragraph 12G (8) (b) of the Act**

For the purposes of paragraph 12G (8) (b) of the Act:

- (a) in respect of a warrant authorising officials to use a listening device in relation to a particular person Form 4 in Schedule 1 is prescribed; and
- (b) in respect of a warrant authorising officials to use a listening device in relation to particular premises Form 5 in that Schedule is prescribed.

## Part 5                      AFP property matters

### 28                      Return of property etc

- (1) A person who ceases to be a Deputy Commissioner, an AFP employee or a special member must, as soon as it is reasonably practicable to do so, return to the Commissioner all property (including accoutrements and clothing), other than prescribed property, that has been supplied to the person for the purposes of his or her service as a Deputy Commissioner, AFP employee or a special member or that is in his or her custody because of that service.

Penalty: 5 penalty units.

- (2) The Commissioner may make application to a Magistrate for a warrant authorizing the Commissioner to enter and search premises or a place for the purpose of ascertaining whether property referred to in subregulation (1) in relation to a person, being property that the person has failed to return to the Commissioner in accordance with that subregulation, is to be found on those premises or that place.
- (3) If, on an application under subregulation (2), a Magistrate is satisfied by information on oath or affirmation that there are reasonable grounds for believing that:
- (a) such property as is referred to in the information is to be found in the premises or place; and
  - (b) the issue of a warrant is reasonably required for the recovery of that property;

the Magistrate may grant a warrant authorizing the Commissioner, with such assistance as he or she thinks appropriate and if necessary by force, to enter and search the premises or place during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, for the purpose referred to in subregulation (2) and to seize any such property that he or she may find in the premises or place.

- (4) In this regulation:
- prescribed property***, in relation to a person to whom subregulation (1) applies, means property that the Commissioner has, by a determination in

## Regulation 29

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writing in force at the time the subregulation applies to the person, determined is not required to be returned to the Commissioner by:

- (a) the person; or
- (b) a class of persons that includes the person; or
- (c) all persons to whom subregulation (1) applies.

### **29 Return of claimable property**

- (1) This regulation applies to property, including liquid property, lawfully held by the AFP, except property that:
  - (a) is owned or is held, under any other rights to possession, by the AFP; or
  - (b) has been seized by the AFP; or
  - (c) is held for evidentiary use in legal proceedings.
- (2) Property may be claimed:
  - (a) before it is presented for auction or is otherwise disposed of — by the person entitled to possession of the property; or
  - (b) if there is a finder of the property — by the finder, only if:
    - (i) the person entitled to possession has not claimed it within 3 months after the date it came into the custody of the AFP; and
    - (ii) the claim is made within 1 month of the end of the period mentioned in subparagraph (i).
- (3) Before releasing the property to a person claiming entitlement (or to the person's authorised agent), the Commissioner must be satisfied that the person has a valid entitlement.
- (4) If there are competing claims under subregulation (2), the AFP will respond to a claim that is supported by a court order identifying the claimant as the person entitled to the property.
- (5) On the application of any person (including the AFP), a court may make an order that any property to which subregulation (4) applies be returned to the person entitled to possession.
- (6) If property is released to a person in accordance with this regulation, any other person who has an interest in the property has no right of action against the AFP in relation to that interest.

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**Regulation 30**

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- (7) Liquid property that is unclaimed becomes public money within the meaning of the *Financial Management and Accountability Act 1997*.

*Note* See the *Financial Management and Accountability Act 1997* for how public money is dealt with.

- (8) In this regulation:

**liquid property** includes money and negotiable instruments, but does not include property:

- (a) to which regulation 31 applies; or
- (b) that has a collectable value.

*Example*

Property that has a collectable value could include a rare coin, a proof set of coins, a coin collection, a rare currency note or a collection of currency notes, the face value of which is less than its market value.

### **30 Disposal of unclaimed property**

- (1) This regulation applies to property to which regulation 29 applies, if:
- (a) the Commissioner is satisfied that reasonable action has been taken to tell the person entitled to possession of the property that the AFP has custody of the property and intends to dispose of it if it is not claimed under regulation 29; and
  - (b) it has not been claimed under regulation 29 by the person entitled to possession or by the finder.
- (2) The Commissioner, if satisfied that the property is suitable for disposal by public auction, may so dispose of it.
- (3) The Commissioner may direct that the property be disposed of by appropriate means (otherwise than by public auction) if it is property of any of the following kinds:
- (a) keys;
  - (b) goods the sale price of which at auction is not likely to cover the cost of disposal;
  - (c) films, books, pictures or other material depicting violence or sexual activity.
- (4) The Commissioner may, if satisfied that it is in the interest of public health and safety to do so, direct that the property be disposed of by appropriate means (otherwise than by public auction) if it is property of any of the following kinds:

## Regulation 31

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- (a) animals;
- (b) perishable goods;
- (c) goods that are, or could be, dangerous or noxious.

### 31 Return or disposal of exhibits

- (1) This regulation applies to property lawfully held by the AFP, being property:
  - (a) seized by the AFP; or
  - (b) held for evidentiary use in legal proceedings.
- (2) Subject to any other law of the Commonwealth, or an order of a court, the Commissioner must ensure that the property is returned to the person entitled to possession when the reason for its detention has no further effect.

*Note* See, for example, the *Proceeds of Crime Act 1987*.

- (3) However, if the Commissioner is satisfied that the person entitled to possession of the property cannot be located or does not want the property, the Commissioner may direct that the property (unless it is liquid property within the meaning of subregulation 29 (8)) be disposed of in accordance with subregulation 30 (2), (3) or (4), as appropriate.

### 32 Notice of, and proceeds of, sale of property

- (1) For the purposes of disposal of property by public auction, under regulations 30 and 31, the Commissioner must publish a notice of the proposed sale of unclaimed property by public auction:
  - (a) at least 7 days before the expected date of the auction; and
  - (b) in a daily newspaper circulating generally in the State or Territory in which the auction is to be held.
- (2) The proceeds of the sale constitute public money within the meaning of the *Financial Management and Accountability Act 1997*.
- (3) After disposal of the property under regulation 30 or 31, a person who has an interest in the property before the disposal has no right of action against the Commonwealth in relation to that interest.

*Note* See the *Financial Management and Accountability Act 1997* for how public money is dealt with.

## Part 6 Miscellaneous

### 33 Delegation

The Commissioner may in writing delegate any of his or her powers under these Regulations to:

- (a) a Deputy Commissioner; or
- (b) an AFP employee; or
- (c) a special member.

### 34 Police services rendered to the public or to an authority of the Commonwealth

- (1) The fee for a police service that is:
- (a) referred to in column 2 of an item in Schedule 2; and
  - (b) rendered by the Australian Federal Police to:
    - (i) an authority of the Commonwealth, if rendering the service is a function of the Australian Federal Police; or
    - (ii) an individual at the request of, or under an agreement with, the individual; or
    - (iii) a body corporate at the request of, or under an agreement with, the body; or
    - (iv) any other organisation (other than an authority of the Commonwealth) at the request of, or under an agreement with, the organisation;

is set out in column 3 of the item.

- (2) A fee set out in column 3 of an item in Schedule 6 is the price of the taxable supply within the meaning of *A New Tax System (Goods and Services Tax) Act 1999*, for the police service that is referred to in column 2 of the item.

*Note Authority of the Commonwealth* is defined in section 4 of the Act.

### 35 Waiver and exemption of fees

- (1) The Commissioner may waive payment of the whole or part of a fee payable under regulation 34 where:
- (a) payment of the fee would cause financial hardship; or

**Regulation 35**

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- (b) for any other reason, the Commissioner considers it appropriate to do so.
- (2) A fee is not payable under regulation 34 where it relates to an activity conducted for a charitable purpose.

## **Schedule 1            Forms**

(regulations 8, 9 and 27)

### **Form 1            Undertaking**

(regulation 8)

*Australian Federal Police Act 1979*

#### **UNDERTAKING BY MEMBER OR SPECIAL MEMBER**

I, \_\_\_\_\_, undertake that I will, in the performance of my duties as a member\*/special 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.

\* Delete if not applicable.

**Form 2      Oath**  
(regulation 9)

I, \_\_\_\_\_, 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 member (*or* special member) of the Australian Federal Police without fear or favour, affection or ill will, from this date until I cease to be a member (*or* special member) 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 member (*or* special member) 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!

## **Form 3      Affirmation**

(regulation 9)

I, \_\_\_\_\_, 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 member (*or* special member) of the Australian Federal Police without fear or favour, affection or ill will, from this date until I cease to be a member (*or* special member) 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 member (*or* special member) of the Australian Federal Police, I will, to the best of my skill and knowledge, faithfully discharge all my duties according to law.

**Form 4 Warrant under subsection 12G (2) of the Act in relation to a particular person**  
(paragraph 27 (a))

Commonwealth of Australia

*Australian Federal Police Act 1979*

To:

Members of the Australian Federal Police who may, under subsection 12J (1) of the *Australian Federal Police Act 1979*, exercise the authority conferred by this warrant.

I, <sup>1</sup>, [an eligible Judge]<sup>2</sup> / [a nominated AAT member (within the meaning of the *Australian Federal Police Act 1979*)]<sup>2</sup>, having been satisfied by information on oath of the matters specified in paragraph 12G (2) (b) of that Act, authorise you:

- [at any time of the day or night]<sup>2</sup> [between the hours of <sup>3</sup> and <sup>4</sup>]<sup>2</sup> to enter any premises in which is, or is likely to be, for the purpose of installing, maintaining, testing, using or recovering a listening device or a part of a listening device; and
- to take [any]<sup>2</sup> [the following]<sup>2</sup> measures [:<sup>5</sup> and ]<sup>2</sup> to effect entry;
- to use a listening device, or listening devices, for the purpose of listening to or recording words spoken by, to, or in the presence of <sup>4</sup> anywhere in Australia.

This warrant is issued on the basis of information given to me by <sup>6</sup>, a member of the Australian Federal Police, in respect of an application for the issue of a warrant under subsection 12G (2) of the Act authorising the use of a listening device within the meaning of Division 2 of Part II of that Act in relation to <sup>7</sup>.

[This warrant is issued subject to the following [conditions]<sup>2</sup> [or]<sup>2</sup> restrictions]<sup>2</sup>:  
<sup>8</sup>]

This warrant remains in force for the period of <sup>9</sup> beginning on <sup>10</sup>.

Dated <sup>10</sup>.  
<sup>11</sup>

[Judge of the <sup>12</sup>]<sup>2</sup> / [nominated AAT member]<sup>2</sup>

- 
- 1 *insert full name of Judge or nominated AAT member*
  - 2 *omit if inapplicable*
  - 3 *insert time of day*
  - 4 *insert full name of person and, if known, his or her address or occupation*
  - 5 *insert measures necessary to effect entry*
  - 6 *insert full name and rank of applicant for warrant*
  - 7 *insert full name of person*
  - 8 *if applicable, insert condition(s) or restriction(s) to which warrant is subject*
  - 9 *insert period*
  - 10 *insert date*
  - 11 *signature of Judge or nominated AAT member*
  - 12 *if appropriate insert name of court of which Judge is a member*

**Form 5 Warrant under subsection 12G (4) of the Act in relation to particular premises**  
(paragraph 27 (b))

Commonwealth of Australia

*Australian Federal Police Act 1979*

To:

Members of the Australian Federal Police who may, under subsection 12J (1) of the *Australian Federal Police Act 1979*, exercise the authority conferred by this warrant.

I, <sup>1</sup>, [an eligible Judge]<sup>2</sup> / [a nominated AAT member (within the meaning of the *Australian Federal Police Act 1979*)]<sup>2</sup>, having been satisfied by information on oath of the matters specified in paragraph 12G (4) (b) of that Act, authorise you:

- [at any time of the day or night]<sup>2</sup> [between the hours of <sup>3</sup> and <sup>3</sup>]<sup>2</sup> to enter <sup>4</sup> for the purpose of installing, maintaining, testing, using or recovering a listening device or a part of a listening device; and
- to take [any]<sup>2</sup> [the following] measures [: <sup>5</sup>]<sup>2</sup> to effect entry; and]<sup>2</sup>
- to use a listening device or listening devices, for the purpose of listening to or recording words spoken by, to, or in the presence of any person while the person is in those premises.

This warrant is issued on the basis of information given to me by <sup>6</sup>, a member of the Australian Federal Police, in respect of an application for the issue of a warrant under subsection 12G (4) of the Act authorising the use of a listening device within the meaning of Division 2 of Part II of that Act in relation to <sup>4</sup>.

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[This warrant is issued subject to the following [conditions]<sup>7</sup> [or]<sup>2</sup> restrictions]<sup>2</sup>:

<sup>7</sup>]

This warrant remains in force for the period of \_\_\_\_\_<sup>8</sup> beginning  
on \_\_\_\_\_<sup>9</sup>.

Dated \_\_\_\_\_<sup>9</sup>.  
<sup>10</sup>

[Judge of the \_\_\_\_\_<sup>11</sup>] / [nominated AAT member]<sup>2</sup>.

- 
- 1 *insert full name of Judge or nominated AAT member*
  - 2 *omit if inapplicable*
  - 3 *insert time of day*
  - 4 *insert description of premises*
  - 5 *insert measures necessary to effect entry*
  - 6 *insert full name and rank of applicant for warrant*
  - 7 *if applicable, insert condition(s) or restriction(s) to which warrant is subject*
  - 8 *insert period*
  - 9 *insert date*
  - 10 *signature of Judge or nominated AAT member*
  - 11 *if appropriate insert name of court of which Judge is a member.*

## Schedule 2 Fees

(regulation 34)

Column 1 Item	Column 2 Matter	Column 3 Fee \$
1	Searching AFP records for information about convictions for offences committed by a person and making a report of the search result	36
2	Taking a set of fingerprints, searching AFP records for any record of convictions for offences committed by a person and making a report of the search result	130
3	Taking and giving a set of fingerprints to the applicant	26
4	Searching a set of fingerprints given by an applicant against AFP records and making a report of the search result	67
5	Making and giving a copy of a photograph	19
6	Making and giving a copy of a road accident report (where the accident caused injury or death)	26
7	Making and giving a copy of a road accident report (where the accident did not cause injury or death)	15
8	Making and giving a copy of a road accident survey plan	38
9	Searching AFP records for incidents reported by a person, and making a report of the search result, about: <ul style="list-style-type: none"> <li>(a) alleged harassment of the person; or</li> <li>(b) alleged violence, or threats of violence directed against that person</li> </ul>	20

<b>Column 1 Item</b>	<b>Column 2 Matter</b>	<b>Column 3 Fee \$</b>
10	Making and giving a copy of 1 of the following reports: (a) fire report; (b) death report; (c) industrial accident report; (d) report of a mechanical check of a motor vehicle in AFP custody	38
11	Making and giving a copy of a lost property report	19
12	Attending, for the second and each subsequent time in a month, premises in response to a burglar alarm (if no evidence of intrusion is found)	152
13	Making and giving a copy of an audio tape	39
14	Making and giving a copy of a video tape	41
15	Making and giving a copy of an incident report	37
16	Making and giving a copy of a Criminal Offence Report	37
17	Making and giving a copy of a statement	37
18	AFP employee attending to keep order at a sporting or entertainment event	Cost to AFP for use of AFP employee's time
19	AFP employee attending an interview relating to court proceedings	Cost to AFP for use of AFP employee's time
20	Training or lecturing, by an AFP employee, other than training or lecturing for community purposes	Cost to AFP for use of AFP employee's time
21	AFP employee searching AFP records to present or produce evidence to a court	Cost to AFP for use of AFP employee's time

<b>Column 1 Item</b>	<b>Column 2 Matter</b>	<b>Column 3 Fee \$</b>
22	AFP employee attending court proceedings	Cost to AFP for use of AFP employee's time — minimum period 4 hours
23	Giving a police escort	Cost to AFP for use of AFP employee's time
24	AFP employee searching AFP records and making a report of the search result	Cost to AFP for use of AFP employee's time
25	Arranging or conducting a medical examination and preparing a report	366
26	Compiling a medical report	Cost to AFP for use of AFP employee's time
27	Making and giving a copy of an existing medical report	19
28	Rendering a service not mentioned in this Schedule	Cost to AFP for use of AFP employee's time

*Note* *Cost to AFP for use of AFP employee's time* is defined in regulation 2.

**Table of Statutory Rules****Notes to the *Australian Federal Police Regulations 1979*****Note 1**

The *Australian Federal Police Regulations 1979* (in force under the *Australian Federal Police Act 1979*) as shown in this compilation comprise Statutory Rules 1979 No. 210 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 4 May 1993 is not included in this compilation. For subsequent information see Table A.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in Gazette</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1979 No. 210	12 Oct 1979	12 Oct 1979	
1980 No. 140	12 June 1980	12 June 1980	—
1981 No. 161	30 June 1981	30 June 1981	—
1981 No. 192	14 July 1981	14 July 1981	—
1982 No. 199	27 Aug 1982	27 Aug 1982	—
1982 No. 282	29 Oct 1982	29 Oct 1982	—
1983 No. 158	2 Sept 1983	2 Sept 1983	—
1984 No. 164	25 July 1984	R. 1: 13 Aug 1984 Remainder: 25 July 1984	—
1984 No. 296	19 Oct 1984	20 Oct 1984	R. 24 (am. by 1985 No. 82 r. 2)
<b>as amended by</b>			
1985 No. 82	30 May 1985	20 Oct 1984	—
1984 No. 297	19 Oct 1984	19 Oct 1984	—
1985 No. 293	7 Nov 1985	7 Nov 1985	—
1986 No. 299	21 Oct 1986	1 Dec 1986	—
1987 No. 14	4 Feb 1987	4 Feb 1987	—
1988 No. 83	25 May 1988	29 May 1988	—
1988 No. 84	25 May 1988	25 May 1988	—
1988 No. 363	21 Dec 1988	1 Jan 1989	R. 31
1989 No. 1	25 Jan 1989	25 Jan 1989	—
1989 No. 139	30 June 1989	1 July 1989	—
1989 No. 343	7 Dec 1989	7 Dec 1989	—
1989 No. 344	7 Dec 1989	1 Jan 1990	—

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in Gazette</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1989 No. 361	21 Dec 1989	1 Jan 1990 ( <i>see Gazette</i> 1989, No. S397)	R. 21
1989 No. 362	21 Dec 1989	Rr. 5, 9-15 and 18: 1 Jan 1990 ( <i>see r. 1 and Gazette</i> 1989, No. S397) Remainder: 21 Dec 1989	R. 19
1990 No. 23	13 Feb 1990	14 Feb 1990	—
1990 No. 87	4 May 1990	4 May 1990	—
1990 No. 273	21 Aug 1990	21 Aug 1990	—
1990 No. 409	17 Dec 1990	17 Dec 1990	—
1992 No. 298	24 Sept 1992	24 Sept 1992	—
1993 No. 60	4 May 1993	10 Mar 1993 ( <i>see r. 1 and Gazette</i> 1993, No. GN17)	R. 2
1994 No. 113	29 Apr 1994	1 May 1994	—
1995 No. 324	3 Nov 1995	6 Nov 1995 ( <i>see r. 1 and Gazette</i> 1995, No. S423)	—
1996 No. 171	5 Aug 1996	5 Aug 1996	—
1996 No. 330	24 Dec 1996	24 Dec 1996	—
1997 No. 375	24 Dec 1997	1 Feb 1998	—
1998 No. 232	22 July 1998	22 July 1998	—
2000 No. 137	28 June 2000	1 July 2000	—
2000 No. 138	28 June 2000	2 July 2000: ( <i>see r. 2 and Gazette</i> 2000, No. 328)	Rr. 4–6 [ <i>see Table A</i> ]

## Table of Amendments

## Table of Amendments

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
Heading to Part 1 .....	ad. 1992 No. 298
R. 1.....	rs. 2000 No. 138
R. 2.....	am. 1982 No. 199; 1984 No. 296; 1985 No. 293; 1988 No. 83; 1989 Nos. 139, 343 and 362; 1992 No. 298; 1996 No. 330; 1998 No. 232; 2000 No. 137 rs. 2000 No. 138
Heading to Part 2 .....	ad. 1992 No. 298 rs. 2000 No. 138
Heading to Div. 2.1 of Part 2 .....	ad. 2000 No. 138
Rr. 3, 4.....	rs. 1984 No. 296 am. 1988 No. 363 rs. 2000 No. 138
R. 5.....	am. 1980 No. 140 rs. 1984 No. 296 am. 1985 No. 293; 1986 No. 299; 1987 No. 14; 1988 No. 84 rs. 1988 No. 363 am. 1989 No. 361 rs. 2000 No. 138
R. 6.....	am. 1980 No. 140 rs. 1984 No. 296; 1988 No. 363 am. 1989 No. 361 rs. 2000 No. 138
Heading to Div. 2.2 of Part 2 .....	ad. 2000 No. 138
R. 7.....	ad. 1989 No. 361 rs. 2000 No. 138
R. 8.....	ad. 2000 No. 138
R. 9.....	ad. 2000 No. 138
Heading to Div. 2.3 of Part 2 .....	ad. 2000 No. 138
R. 10.....	ad. 1984 No. 296 am. 1988 No. 363; 1989 No. 361 rs. 2000 No. 138
R. 11.....	ad. 2000 No. 138
Heading to Div. 2.4 of Part 2 .....	ad. 2000 No. 138
R. 12.....	rs. 2000 No. 138
R. 13.....	am. 1984 No. 297; 1992 No. 298 rs. 2000 No. 138
Heading to Div. 2.5 of Part 2 .....	ad. 2000 No. 138
R. 14.....	am. 1980 No. 140; 1984 No. 296; 1988 No. 363; 1989 No. 361; 1990 No. 409; 1992 No. 298 rs. 2000 No. 138

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 15.....	rs. 1984 No. 297; 1988 No. 363 am. 1989 Nos. 361 and 362 rs. 2000 No. 138
Heading to Part 3 .....	ad. 2000 No. 138
Heading to Div. 3.1 of ..... Part 3	ad. 2000 No. 138
Rr. 16, 17.....	ad. 1989 No. 361 rs. 2000 No. 138
R. 18.....	ad. 1989 No. 361 rs. 1992 No. 298; 2000 No. 138
R. 19.....	ad. 1988 No. 363 am. 1989 No. 362; 1992 No. 298 rs. 2000 No. 138
R. 20.....	ad. 1988 No. 363 rs. 1989 No. 362 am. 1992 No. 298 rs. 2000 No. 138
R. 21.....	ad. 1988 No. 363 am. 1989 Nos. 361 and 362 rs. 2000 No. 138
R. 22.....	ad. 1988 No. 363 am. 1989 No. 362; 1992 No. 298 rs. 2000 No. 138
R. 23.....	ad. 1988 No. 363 am. 1992 No. 298 rs. 2000 No. 138
Heading to Div. 3.2 of ..... Part 3	ad. 2000 No. 138
R. 24.....	ad. 1988 No. 363 rs. 1989 No. 362; 2000 No. 138
Heading to Part 4 .....	ad. 1992 No. 298
Part IV .....	ad. 1990 No. 23
(rr. 35–37)	
R. 35.....	ad. 1990 No. 23
Renumbered r. 25 .....	2000 No. 138
R. 36.....	ad. 1990 No. 23 am. 2000 No. 138
Renumbered r. 26 .....	2000 No. 138
R. 37.....	ad. 1990 No. 23 am. 1992 No. 298; 2000 No. 138
Renumbered r. 27 .....	2000 No. 138
Heading to Part 5 .....	ad. 1992 No. 298 rs. 2000 No. 138
R. 43.....	am. 1984 No. 296; 1989 No. 361; 1992 No. 298; 2000 No. 138
Renumbered r. 28 .....	2000 No. 138
Rr. 29–32 .....	ad. 2000 No. 138
Heading to Part 6 .....	ad. 2000 No. 138

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 33.....	ad. 2000 No. 138
R. 46.....	ad. 1989 No. 139 rs. 1996 No. 330 am. 2000 No. 137; 2000 No. 138
Renumbered r. 34.....	2000 No. 138
R. 48.....	ad. 1989 No. 139 am. 1990 No. 273; 1998 No. 232; 2000 No. 138
Renumbered r. 35 .....	2000 No. 138
Heading to Schedule 4 .....	rs. 2000 No. 138
Schedule 4 .....	am. 1984 No. 297; 1989 No. 361; 1990 No. 23; 1992 No. 298
Renumbered Schedule 1..	2000 No. 138
Form 1 .....	1979 No. 210 rs. 2000 No. 138
Forms 2, 3 .....	1979 No. 210 am. 1984 No. 297; 2000 No. 138
Forms 4, 5 .....	ad. 1990 No. 23
Renumbered Forms 6, 7..	1992 No. 298
Heading to Form 6.....	rs. 2000 No. 138
Renumbered Form 4 .....	2000 No. 138
Form 6 .....	am. 1997 No. 375
Renumbered Form 4 .....	2000 No. 138
Heading to Form 7.....	rs. 2000 No. 138
Renumbered Form 5 .....	2000 No. 138
Form 7 .....	am. 1997 No. 375
Renumbered Form 5 .....	2000 No. 138
Heading to Schedule 6 .....	rs. 2000 No. 138
Renumbered Schedule 2..	2000 No. 138
Schedule 6 .....	ad. 1989 No. 139 am. 1990 No. 273; 1992 No. 298 rs. 1996 No. 330; 1998 No. 232 am. 2000 No. 137; 2000 No. 138
Renumbered Schedule 2..	2000 No. 138

**Repeal Table****Repeal Table**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
Heading to Part I .....	rep. 1992 No. 298
Heading to Part II .....	rep. 1992 No. 298
R. 4A.....	ad. 1989 No. 361 rep. 2000 No. 138
Div. 2 of Part II .....	rep. 1984 No. 296
(rr. 5–11)	
Heading to Div. 2 of Part II .	am. 1985 No. 293; 1989 No. 361 rep. 2000 No. 138
Div. 2 of Part II .....	ad. 1984 No. 296
(rr. 5–9)	rep. 2000 No. 138
R. 7 .....	rs. 1984 No. 296 rep. 1988 No. 363
R. 8.....	rs. 1984 No. 296 rep. 1988 No. 363
R. 9.....	am. 1980 No. 140; 1981 No. 161 rs. 1984 No. 296 rep. 1988 No. 363
Heading to Div. 2A of .....	ad. 1984 No. 296
Part II	rep. 1985 No. 293
R. 10.....	am. 1982 No. 282 rep. 1984 No. 296
R. 11.....	rep. 1984 No. 296
R. 13A.....	ad. 1989 No. 361 rep. 2000 No. 138
Heading to Part IIA.....	rep. 1989 No. 362
Div. 1 of Part IIA.....	rep. 1988 No. 83
(rr. 14A–14J)	
Rr. 14A–14J.....	ad. 1985 No. 293 rep. 1988 No. 83
R. 14A.....	ad. 1985 No. 293 rep. 1988 No. 83 ad. 1988 No. 363 am. 1989 No. 361 rep. 2000 No. 138
R. 14B.....	ad. 1985 No. 293 rep. 1988 No. 83 ad. 1988 No. 363 rs. 1992 No. 298 rep. 2000 No. 138
Part IIA.....	ad. 1985 No. 293
(rr. 14A–4S)	
Heading to Part 2A.....	ad. 1989 No. 362 rep. 2000 No. 138

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**Repeal Table**

R. 14J .....	ad. 1985 No. 293 rep. 1988 No. 83 ad. 1989 No. 362 am. 1992 No. 298 rep. 2000 No. 138
Heading to Div. 2 of..... Part IIA	rep. 1989 No. 362
R. 14K.....	ad. 1985 No. 293 am. 1988 Nos. 83 and 363; 1989 Nos. 361 and 362 rep. 2000 No. 138
R. 14L.....	ad. 1985 No. 293 am. 1988 Nos. 83 and 363 rs. 1989 No. 362 am. 1989 No. 361 rep. 2000 No. 138
R. 14M .....	ad. 1985 No. 293 am. 1988 No. 83; 1989 No. 362 rep. 2000 No. 138
R. 14N .....	ad. 1985 No. 293 am. 1988 Nos. 83 and 363; 1989 No. 362; 1992 No. 298 rep. 2000 No. 138
R. 14P.....	ad. 1985 No. 293 am. 1988 Nos. 83 and 363; 1989 Nos. 361 and 362 rep. 2000 No. 138
R. 14Q .....	ad. 1985 No. 293 am. 1988 Nos. 83 and 363; 1989 No. 362; 1992 No. 298 rep. 2000 No. 138
R. 14R .....	ad. 1985 No. 293 am. 1988 No. 83; 1989 No. 362 rep. 2000 No. 138
R. 14S.....	ad. 1985 No. 293 rep. 1988 No. 83
Heading to Part III .....	rep. 1989 No. 361
Heading to Div. 1 of Part III	rep. 1989 No. 361
Heading to Part 3 .....	ad. 1989 No. 361 am. 1992 No. 298 rep. 2000 No. 138
Heading to Div. 1 of Part 3 .	ad. 1989 No. 361 rep. 2000 No. 138
R. 15A.....	ad. 1988 No. 363 am. 1989 No. 362 rep. 2000 No. 138
R. 15B.....	ad. 1988 No. 363 am. 1989 Nos. 361 and 362; 1992 No. 298 rep. 2000 No. 138
R. 15C .....	ad. 1988 No. 363 rep. 1989 No. 362
Rr. 16, 17 .....	am. 1984 No. 297 rep. 1988 No. 363
R. 17A.....	ad. 1980 No. 140 am. 1984 No. 296 rep. 1985 No. 293

**Repeal Table**

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Heading to Div. 1A of Part 3 .....	ad. 1989 No. 361 rep. 2000 No. 138
Div. 2 of Part III ..... (rr. 18–23, 23A, 24, 24A, 25)	rep. 1985 No. 293
R. 18.....	rs. 1985 No. 293 am. 1988 No. 363 rep. 1989 No. 362
Div. 1B of Part 3..... (rr. 18, 18A–18E)	ad. 1989 No. 361 rep. 2000 No. 138
R. 18A.....	ad. 1989 No. 361 am. 1990 No. 409; 1992 No. 298 rep. 2000 No. 138
R. 18B.....	ad. 1989 No. 361 am. 1990 No. 409 rep. 2000 No. 138
R. 18C .....	ad. 1989 No. 361 am. 1992 No. 298 rep. 2000 No. 138
Rr. 18D, 18E .....	ad. 1989 No. 361 rep. 2000 No. 138
Heading to Div. 2 of Part III	am. 1989 No. 362 rep. 2000 No. 138
Div. 2 of Part III ..... (rr. 19–24)	ad. 1985 No. 293 rep. 1988 No. 83
Div. 2 of part III ..... (rr. 19–24, 24A)	ad. 1988 No. 363 rep. 2000 No. 138
R. 19 .....	am. 1984 No. 296 rs. 1985 No. 293 rep. 1988 No. 83
R. 20 .....	am. 1980 No. 140; 1982 No. 199; 1984 No. 296 rs. 1985 No. 293 rep. 1988 No. 83
R. 21 .....	am. 1980 No. 140 rs. 1985 No. 293 rep. 1988 No. 83
R. 22 .....	rs. 1985 No. 293 rep. 1988 No. 83
R. 23 .....	am. 1980 No. 140 rs. 1985 No. 293 rep. 1988 No. 83
R. 23A.....	ad. 1980 No. 140 am. 1982 No. 199 rep. 1985 No. 293
R. 24 .....	am. 1980 No. 140 rs. 1985 No. 293 rep. 1988 No. 83
R. 24A.....	ad. 1982 No. 282 rep. 1985 No. 293 ad. 1988 No. 363 am. 1989 No. 361; 1992 No. 298 rep. 2000 No. 138

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**Repeal Table**

R. 25.....	rep. 1985 No. 293
Heading to Div. 2A of Part III .....	ad. 1984 No. 297 rep. 2000 No. 138
R. 25A.....	ad. 1984 No. 297 rs. 1989 No. 361 am. 1992 No. 298 rep. 2000 No. 138
R. 25B.....	ad. 1984 No. 297 am. 1988 No. 83 rs. 1988 No. 363 rep. 2000 No. 138
R. 25C .....	ad. 1984 No. 297 am. 1985 No. 293; 1988 No. 83 rep. 1988 No. 363 ad. 1989 No. 361 rep. 2000 No. 138
Rr. 25CA–25CC .....	ad. 1992 No. 298 rep. 2000 No. 138
R. 26.....	am. 1980 No. 140; 1982 No. 199; 1984 Nos. 296 and 297; 1985 No. 293; 1988 No. 83 rs. 1988 No. 363 am. 1989 Nos. 361 and 362; 1990 No. 409; 1992 No. 298 rep. 2000 No. 138
R. 27.....	am. 1984 No. 296; 1988 Nos. 83 and 363; 1989 No. 362; 1992 No. 298 rep. 2000 No. 138
R. 28.....	am. 1984 No. 296 rep. 1985 No. 293
R. 29.....	am. 1980 No. 140; 1984 No. 296 rep. 1985 No. 293
R. 30.....	am. 1984 No. 296 rep. 1985 No. 293
R. 31.....	am. 1984 No. 297; 1984 No. 296; 1985 No. 293; 1988 Nos. 83 and 363; 1989 Nos. 361 and 362; 1992 No. 298 rep. 2000 No. 138
R. 31A.....	ad. 1984 No. 296 rep. 1985 No. 293
R. 32.....	am. 1984 No. 297; 1988 Nos. 83 and 363; 1989 Nos. 361 and 362; 1990 No. 87; 1992 No. 298 rep. 2000 No. 138
Div. 3 of Part III (rr. 33, 33A).....	ad. 1989 No. 344
R. 33.....	rep. 1988 No. 363 ad. 1989 No. 344 am. 1990 No. 409 rep. 2000 No. 138
R. 33A.....	ad. 1989 No. 344 rs. 1992 No. 298 rep. 2000 No. 138
Div. 3 of Part III (r. 34).....	rep. 1984 No. 296
R. 34.....	am. 1980 No. 140

## Repeal Table

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	rep. 1984 No. 296
Part IIIA.....	ad. 1985 No. 293
(rr. 34, 34A–34G)	rep. 1989 No. 362
Heading to Part 3A.....	am. 1992 No. 298
	rep. 2000 No. 138
Part 3A.....	ad. 1989 No. 362
(rr. 34, 34A–34C)	rep. 2000 No. 138
R. 34.....	ad. 1985 No. 293
	rs. 1989 No. 362
	am. 1989 Nos. 361 and 362
	rep. 2000 No. 138
Rr. 34A, 34B .....	ad. 1985 No. 293
	am. 1988 No. 83
	rs. 1989 No. 362
	rep. 2000 No. 138
R. 34C .....	ad. 1985 No. 293
	am. 1988 No. 83
	rs. 1989 No. 362
	am. 1989 No. 362
	rep. 2000 No. 138
Rr. 34D–34G.....	ad. 1985 No. 293
	am. 1988 No. 83
	rep. 1989 No. 362
Heading to Part IV.....	rs. 1982 No. 199
	rep. 1992 No. 298
Part IV (rr. 35, 37, 38) .....	rep. 1989 No. 343
R. 35 .....	am. 1982 No. 199
	rep. 1989 No. 343
R. 36 .....	rep. 1982 No. 199
R. 37 .....	rs. 1982 No. 199
	rep. 1989 No. 343
R. 38.....	am. 1980 No. 140; 1982 No. 199; 1988 No. 83
	rep. 1989 No. 343
	ad. 1994 No. 113
	rep. 2000 No. 138
Heading to Part V.....	rep. 1992 No. 298
R. 39.....	rep. 2000 No. 138
R. 39AA .....	ad. 1988 No. 363
	rs. 1992 No. 298
	rep. 2000 No. 138
R. 39AB .....	ad. 1992 No. 298
	rs. 1996 No. 171
	rep. 2000 No. 138
R. 39A.....	ad. 1983 No. 158
	rep. 2000 No. 138
R. 40.....	rep. 1980 No. 140
	ad. 1981 No. 192
	rs. 1984 No. 296
	am. 1988 No. 363
	rep. 2000 No. 138
R. 40A.....	ad. 1984 No. 164
	am. 1989 No. 361; 1992 No. 298

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**Repeal Table**

	rep. 2000 No. 138
R. 40B.....	ad. 1985 No. 293 rs. 1989 No. 361 rep. 2000 No. 138
R. 41.....	am. 1989 No. 1; 1992 No. 298 rep. 2000 No. 138
R. 42.....	am. 1984 No. 297; 1992 No. 298 rep. 2000 No. 138
R. 42A.....	ad. 1984 No. 296 rep. 1988 No. 363
R. 42B.....	ad. 1986 No. 299 rep. 2000 No. 138
R. 43A.....	ad. 1980 No. 140 rep. 1992 No. 298
R. 44.....	am. 1980 No. 140; 1992 No. 298 rep. 2000 No. 138
Part VI ..... (rr. 45-48)	rep. 1984 No. 296
R. 45 .....	rep. 1984 No. 296 ad. 1986 No. 299 am. 1988 No. 363; 1989 No. 361; 1992 No. 298 rep. 2000 No. 138
R. 46 .....	rep. 1984 No. 296
R. 47.....	rep. 1984 No. 296 ad. 1989 No. 139 rep. 1996 No. 330
R. 48 .....	rep. 1984 No. 296
R. 49.....	ad. 1989 No. 361 am. 1992 No. 298 rep. 2000 No. 138
Schedule 1 .....	rep. 1984 No. 296
Schedule 2 .....	rs. 1980 No. 140 am. 1981 No. 161 rep. 1984 No. 296
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Forms 4, 5 .....	1979 No. 210 rep. 1984 No. 297 ad. 1989 No. 361 rep. 2000 No. 138
Schedule 5 .....	ad. 1984 No. 296 am. 1985 No. 293 rep. 2000 No. 138
Schedule 7 .....	ad. 1989 No. 139 am. 1990 No. 409; 1992 No. 298; 1993 No. 60; 1995 No. 324 rep. 1996 No. 330

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**Table A**

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**Table A                      Application, saving or transitional provisions**

**Statutory Rules 2000 No. 138**

**4                      Transitional — definitions**

In these Regulations, the following expressions have the same respective meanings as in Part 1 of Schedule 3 of the *Australian Federal Police Legislation Amendment Act 2000*:

- commencing time
- former Act
- former commissioned police officer
- former non-commissioned police officer
- former senior executive commissioned police officer
- former senior executive officer
- former special member
- former staff member
- former temporary employee
- later Act.

**5                      Transitional — conversion of appointments for a term**

- (1) This regulation applies to the following persons:
- (a) any of the following persons who, before the commencing time, received from the Commissioner written notice that an arrangement of the kind mentioned in subregulation (3) would apply to the person after the commencing time:
    - (i) a former commissioned police officer;
    - (ii) a former non-commissioned police officer;
    - (iii) a former special member;
    - (iv) a former staff member;
  - (b) a former senior executive commissioned police officer;

**Table A**

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- (c) a former senior executive officer.
- (2) However, this regulation does not apply if the person is a former temporary employee.
- (3) Despite item 2 of Schedule 3 to the Act, the person is taken to be engaged, at the commencing time, as an AFP employee under section 24 of the later Act:
  - (a) for a period equal to the part of the person's period of appointment that had not been completed before the commencing time; and
  - (b) under the terms and conditions that applied to the person immediately before the commencing time.

**6 Transitional — rank**

- (1) This regulation applies to an AFP member if, immediately before the commencing time:
  - (a) the AFP member held a rank; and
  - (b) a declaration, under paragraph 9 (2) (b) of the former Act, was in force in relation to that rank.
- (2) At the commencing time, the Commissioner is taken to have declared that, for subsections 9 (2A) and (2B) of the later Act, the member continues to hold that rank.
- (3) Subregulation (2) ceases to apply to the AFP member when the Commissioner makes a declaration under subsection 9 (2A) of the later Act.