



AFPA LEGAL BULLETIN

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ACLEI SEEKS PROFESSIONAL VIEWS OF AFPA

The AFPA National President Jon Hunt-Sharman and CEO Jim Torr, recently met with Integrity Commissioner Philip Moss of the Australian Commission for Law Enforcement Integrity (ACLEI), at his invitation.

The AFPA and the Integrity Commissioner have agreed to work through a number of potential issues relating to members being subject to investigations or Commission Hearings with a view to us entering into a joint protocol. The National Presidents background with the NSW ICAC and the CEOs background with the AFP Professional Standards enable both to provide technical skills & knowledge during these important discussions.

The Integrity Commissioner also sought preliminary views of the AFPA in relation to Integrity Testing. The AFPA believes that a number of safeguards need to be in place such as independent oversight & review; provisions similar to controlled operations legislation; and testing being limited to targeted testing (not random).

In essence the AFPA position is that reasonable suspicion must exist demonstrating that a person is behaving in a corrupt manner that satisfies the issuing of a Certificate. The test must revolve around the corruption offence the individual is suspected of committing and the testing must be finite with the parameters being declared in the Certificate. It is not acceptable to try and entice employees into acting in a way they otherwise would not, simply to 'test their integrity'. It is also not acceptable to have unlimited testing of an individual against open ended criteria.

The Integrity Commissioner appeared receptive to the initial concerns raised on behalf of members and the meeting was productive.

Both the President and the CEO were impressed with the depth and breadth of knowledge of Commissioner Moss in relation to the various AFPA submissions that went into the creation of ACLEI.

The AFPA is look forward to a constructive professional relationship with his office.

AFFA SEEKS UNIFORMITY AND TRANSPARENCY IN NEW DRUG AND ALCOHOL GUIDELINES FOR AFP EMPLOYEES

The AFP invited the AFFA to consider its proposal for new guidelines covering tests for illicit drug use, alcohol testing, maximum alcohol limits and the use of pharmaceutical products covering all AFP employees.

Recognising the professional standards and competency expected of AFP employees, the AFFA supports policies on drug abuse including restrictions on alcohol but has advised that they must be equably applied across the whole organisation.

AFFA CEO, Jim Torr, and Legal Director, Ian Philips, met with AFP management to discuss the draft policy. The AFP has proposed a two tier maximum blood alcohol concentration (BAC) level being .0% for employees involved in certain policing functions including driving and .02% for other AFP employees.

The AFFA has recommended that the AFP consider one standard across the whole organisation and that standard be .02% similar to the NSW Police. We have argued that a variety of factors including certain medical conditions, residual alcohol and even some medications and foods contain minimal alcohol which could potentially breach a 0% BAC tolerance.

The proposed guidelines include prescribed and non-prescribed pharmaceuticals. Consequences of breaching the guidelines are not specified in the proposal apart from a positive test result being referred to the Professional Standards Operations Monitoring Centre and that breaches of the guideline in respect to alcohol and cannabis may be dealt with by "rehabilitation" options.

The AFFA has recommended that the AFP consider a further clause to encourage AFP employees to come forward who may have other drug problems. That being:-

"The Australian Federal Police urge any employee who is suffering from a drug addiction, whether or not an illicit drug is involved, to come forward to their supervisor, Health and Wellbeing Services or Professional Standards. The AFP will medically assist and support any such individual to the full extent that it appropriately can. The AFP may also conduct a risk assessment and, if appropriate, a PRS investigation into the circumstances, possible culpability and other factors of the drug use if an illicit drug is involved. Where ever possible the AFP will maintain the continuity of employment of any illicit drug effected employee, however, in some circumstances that may not be possible".

Although this is a sensitive issue, other Police Services within Australia and overseas have put in place 'amnesty & rehabilitation options' for illicit drugs other than cannabis. We see such a provision as part of a proactive & preventative strategy against trends already identified in other police services, although not our own.
