

EXPLANATORY STATEMENT

Complaints (Australian Federal Police) Act 1981

Complaints (Australian Federal Police) Regulations

(Amendment)

STATUTORY RULES 1985 No. 291

This amendment comprises one aspect of a group of amendments to the Complaints (Australian Federal Police) Act 1981, the Australian Federal Police (Discipline) Regulations and the Complaints (Australian Federal Police) Regulations. The amendments were sought or accepted by the Australian Federal Police Association and, insofar as they relate to the Complaints (Australian Federal Police) Regulations, are intended to ensure that the criminal standard of proof should apply to all disciplinary cases.

The amendment to the Complaints (Australian Federal Police) Regulations provides that the Federal Police Disciplinary Tribunal shall not find a member guilty of a breach of discipline unless satisfied beyond reasonable doubt that the member is so guilty.

The standard of proof to be applied by the Tribunal is not, at present, prescribed. The Tribunal applies such standard as appears reasonable given the circumstances of each case. The settlement of a uniform standard is considered desirable in the interests of consistency, and as a reflection of the potential seriousness of disciplinary proceedings for individual members of the Australian Federal Police, who are often called upon to react quickly in difficult or hazardous circumstances.

A similar amendment, binding on the Commissioner when he determines disciplinary cases, is to be made to the Australian Federal Police (Discipline) Regulations.

S.R. 128/85

