Australian Federal Police Regulations 1979

Statutory Rules 1979 No. 210 as amended

made under the

Australian Federal Police Act 1979

This compilation was prepared on 11 September 2007
taking into account amendments up to SLI 2007 No. 264

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

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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:

accredited pathology laboratory has the same meaning as in subsection 3 (1) of the *Health Insurance Act 1973*.

Act means the *Australian Federal Police Act 1979*.

AFP means Australian Federal Police.

AFP records means the records of the Australian Federal Police.

approved breath analysis instrument means an instrument that is approved for the purposes of conducting a breath test:

(a) under the law of the State or Territory in which the breath test is conducted; or

(b) for a breath test conducted in an external Territory or a foreign country — under the law of a State or Territory.

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.

medical practitioner has the same meaning as in subsection 3 (1) of the *Health Insurance Act 1973*.

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

registered nurse has the same meaning as in subsection 3 (1) of the *Health Insurance Act 1973*.

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

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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.

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5 Suspension from duties

(1) The Commissioner may suspend an AFP appointee from duties:

(a) if the Commissioner believes on reasonable grounds that the appointee:

(i) has, or may have, engaged in conduct that contravenes the AFP professional standards; or

(ii) has, or may have, engaged in corrupt conduct; or

(b) to allow the appointee to contest an election to a non-parliamentary body.

(2) The Commissioner may also suspend an AFP appointee from duties if:

(a) the appointee 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 appointee 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 is without remuneration.

(5) The Commissioner must end the suspension if:

(a) the Commissioner no longer believes on reasonable grounds that the appointee:

(i) has, or may have, engaged in conduct that contravenes the AFP professional standards; or

(ii) has, or may have, engaged in corrupt conduct; or

(b) the appointee fails to be elected to the non-parliamentary body; or

(c) if subregulation (2) applies, the appointee is found not guilty of the offence with which he or she has been charged.

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(6) The Commissioner must end the suspension if:

(a) the AFP conduct issue in relation to conduct mentioned in paragraph (1) (a) has been dealt with under Part V of the Act; and

(b) either:

(i) action, other than termination action, is to be taken in relation to the issue; or

(ii) the Commissioner has determined that no further action is to be taken in relation to the issue.

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

8 Undertaking

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

9 Oaths and affirmations

(1) 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.

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

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

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(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.

(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.

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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.

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;

(e) a special protective service officer.

(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.

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Division 2.4A Conduct of AFP appointees

13A Intentionally prejudicing police services or protective service functions

An AFP appointee must not, with the intention of prejudicing police services or protective service functions:

(a) fail to give prompt attention to his or her duties; or

(b) be absent from duty without authority.

13B Information — unauthorised disclosure

An AFP appointee must not, without lawful authority or excuse, disclose or take any action that brings, or is intended to bring, information relating to any of the following matters to the notice of the AFP appointee to whom the matter relates or any other person:

(a) a matter in relation to information given by a person under Part V of the Act that raises an AFP conduct issue;

(b) a matter in relation to a decision made by the Commissioner under section 40SD of the Act that an AFP conduct issue in relation to an AFP appointee is to be dealt with under Part V of the Act;

(c) a matter in relation to an investigation of an AFP conduct issue in relation to an AFP appointee under Subdivision D of Division 3 of Part V of the Act;

(d) a matter in relation to an inquiry under Division 4 of Part V of the Act.

13C Information — unauthorised use or access

(1) An AFP appointee must not, except in the performance of his or her duties:

(a) use or communicate to another person any information that comes to the AFP appointee's knowledge, or into his or her possession, by reason of being an AFP appointee; or

(b) obtain access to information by reason of being an AFP appointee.

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(2) For the purposes of paragraph (1) (b), an AFP appointee is taken to have obtained access to information even if:

(a) the information is not in the possession, or under the control, of the Australian Federal Police; or

(b) whether or not paragraph (a) applies — the information consists of a computer program or part of a computer program, or is otherwise stored in, or entered or copied into, a computer.

13D Bankrupt AFP appointee

An AFP appointee who becomes a bankrupt must:

(a) as soon as practicable, advise the Commissioner in writing that he or she is a bankrupt; and

(b) give the Commissioner information about his or her bankruptcy, as required by the Commissioner.

Division 2.4B Drug testing

Subdivision 2.4B.1 General provisions

13E Meaning of *authorised person*

In this Division:

authorised person means:

(a) in relation to a direction to undergo a breath test, blood test or prohibited drug test — a person authorised under regulation 13F; and

(b) in relation to the conduct of a breath test, blood test or prohibited drug test, or the operation of equipment for purposes of that test — a person authorised under regulation 13G.

13F Persons authorised to give directions

(1) The Commissioner may, by instrument in writing, authorise a person for the purposes of subsection 40M (1) or 40N (1), (2) or (4) of the Act.

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(2) The Commissioner may authorise:

(a) a person by name; or

(b) the holder, from time to time, of a particular position by reference to the title of that position.

(3) The Commissioner must give to a person authorised under this regulation a certificate stating that he or she is an authorised person.

(4) An authorised person must, if requested to do so, show his or her certificate to an AFP employee or special member who is directed by that person to undergo a test for section 40M or 40N of the Act.

13G Persons authorised to conduct tests and to operate equipment for that purpose

A person specified in column 3 of an item in Schedule 1A is authorised:

(a) to conduct the test specified in column 2 of the item; and

(b) to operate equipment for purposes of that test.

13H Conduct of tests — general

(1) A breath test, blood test or prohibited drug test conducted for section 40M or 40N of the Act must be conducted:

(a) in a respectful manner; and

(b) in circumstances affording reasonable privacy to the AFP employee or special member directed to undergo the test.

(2) The test must not be conducted in the presence or view of a person whose presence is not necessary for the purposes of the test and must not involve:

(a) removal of more clothing than is necessary for the conduct of the test; and

(b) more visual inspection than is necessary for the conduct of the test.

(3) If practicable, the test must be conducted by a person of the same sex as the AFP employee or special member directed to undergo the test.

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(4) If a prohibited drug test requires the AFP employee or special member to provide a sample of hair, the sample must be provided by cutting a strand of hair or removing a strand of hair by its root.

13J Certificates

A certificate issued under subregulation 13F (3) or regulation 13M or 13T is evidence of the matters stated in the certificate.

13K Record keeping

(1) Subregulation (1A) applies to all records that indicate the presence of alcohol or prohibited drugs when tested.

(1A) All records, including body samples, relevant to a breath test, blood test or prohibited drug test conducted for section 40M or 40N of the Act must:

(a) for a body sample — be kept in a secure location and destroyed no later than 2 years from the day that the test was conducted; or

(b) for any other record — be kept in a secure location and destroyed as soon as practicable after the AFP employee or special member to whom the record relates ceases, for any reason, to be an AFP employee or special member.

(2) However, information obtained from the analysis of a sample may be retained, if:

(a) it is used for compiling a statistical database; and

(b) it does not include information that may be used to identify the AFP employee or special member who provided the sample.

(3) All records that do not indicate the presence of alcohol or prohibited drugs when tested must be destroyed no later than 28 days after the day the test was conducted.

13L Disclosure of information

A person other than the AFP employee or special member who provided the body sample may disclose information revealed by a breath test, blood test or prohibited drug test only:

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(a) if the information is already publicly known; or

(b) in accordance with this Division; or

(c) for the investigation of any offence or offences generally; or

(d) to enable an AFP conduct issue to be dealt with under Part V of the Act and to enable any action to be taken under that Part in relation to the issue; or

(e) for a decision whether to institute proceedings for an offence; or

(f) for proceedings for an offence; or

(g) for the AFP employee's or special member's medical treatment; or

(h) if the AFP employee or special member consents in writing to the disclosure.

Subdivision 2.4B.2 Breath tests

13M Procedures to be followed

(1) A breath test for section 40M or 40N of the Act must be conducted using an approved breath analysis instrument.

(2) An AFP employee or special member who is directed to undergo a breath test may ask the authorised person conducting the test to arrange for the AFP employee or special member to also undergo a blood test.

(3) However, neither a request for a blood test to be conducted nor the conduct of a blood test absolves the AFP employee or special member from the obligation to undergo a breath test.

(4) If the AFP employee or special member asks that a blood test be conducted, the authorised person conducting the breath test must take all reasonable steps to contact a person authorised to conduct a blood test.

(5) A certificate that makes statements about a matter specified in subregulation (6) and that is expressed to be given for this regulation must be signed by the authorised person who conducted the test.

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(6) The following matters are specified:

(a) the type and serial number of the approved breath analysis instrument used to conduct the breath test;

(b) the sample number of the test;

(c) the full name and date of birth of the person tested;

(d) the full name of the authorised person who conducted the test;

(e) whether the authorised person conducted a self-test on the instrument before and after the analysis;

(f) if the authorised person conducted a self-test:

(i) the time and result of the self-test; and

(ii) whether the self-test was conducted on 'override mode';

(g) the date on which, and the time at which, the breath test was conducted;

(h) the result of the breath test as shown by the instrument.

13N Approval of courses

The Commissioner may, in writing, approve a training course in conducting breath tests.

Subdivision 2.4B.3 Blood tests and prohibited drug tests of body samples other than urine

13P Application

This subdivision applies to:

(a) blood tests; and

(b) prohibited drug tests of body samples other than urine.

13Q Definitions

In this subdivision:

analyst means a person at an accredited pathology laboratory who performs the quantification of a body sample taken by an authorised person.

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unanalysed sample means a body sample submitted to an accredited pathology laboratory under paragraph 13R (2) (a) for the purpose of making a sample available for independent testing.

13R Taking of body samples

(1) An authorised person taking a body sample for the purposes of a blood test or prohibited drug test must:

(a) place approximately equal quantities of the sample into 2 containers; and

(b) label each container for future identification; and

(c) ensure that each container is sealed.

(2) The authorised person must:

(a) if satisfied that the AFP employee or special member from whom the sample was taken is incapable of understanding the procedures that have been applied to him or her — arrange for both sealed containers to be sent to an accredited pathology laboratory; or

(b) in any other case — give 1 sealed container to the AFP employee or special member and arrange for the other sealed container to be sent to an accredited pathology laboratory.

13S Analysis of body samples

(1) An analyst at an accredited pathology laboratory must conduct an analysis of a portion of the body sample to determine:

(a) the concentration of alcohol in the blood; or

(b) whether the body sample contains a prohibited drug.

(2) If the first analysis of a portion of the sample indicates the presence of alcohol or a prohibited drug in the sample, an analysis of another portion of the sample must be conducted.

(3) If 2 containers were submitted to the accredited pathology laboratory under paragraph 13R (2) (a), the sample for the second analysis must be taken from the same container from which the earlier sample was taken.

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13T Certificates

(1) As soon as practicable after an analysis is conducted, the analyst who conducted the analysis of the body sample for a blood test or prohibited drug test must give a certificate to:

(a) the AFP employee or special member who provided the sample; and

(b) the authorised person who directed that the AFP employee or special member undergo the test.

(2) The certificate must state the following information:

(a) the full name of the AFP employee or special member;

(b) the date when the sample was taken;

(c) the date when the sample was received in the accredited pathology laboratory for analysis;

(d) the accredited pathology laboratory identification number of the sample;

(e) the date when the analysis was conducted;

(f) the results of the analysis;

(g) the signature and name of the analyst who conducted the analysis;

(h) any observations made during the course of the analysis which may have affected test results.

(3) If 2 containers were submitted to the accredited pathology laboratory under paragraph 13R (2) (a), the certificate must also inform the AFP employee or special member that he or she may:

(a) collect the unanalysed sample from the laboratory within 6 months after the sample was taken; and

(b) have that sample independently tested by another accredited pathology laboratory.

13U Disputed results

(1) If the results of an analysis are disputed by the AFP employee or special member who provided the sample and 2 containers were submitted to the accredited pathology laboratory under paragraph 13R (2) (a):

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(a) the unanalysed sample must be made available for independent testing; and

(b) all records of the original test must be made available for re-examination.

(2) Because of possible degradation of the body sample over time, re-testing need only detect the presence of alcohol or a prohibited drug.

Subdivision 2.4B.4 Prohibited drug tests using urine samples

13V Procedures to be followed

The provision, and the analysis, of a urine sample for the purposes of a prohibited drug test must be in accordance with the *Australian/New Zealand Standard AS/NZS 4308—2001* 'Procedures for the collection, detection and quantitation of drugs of abuse in urine', as at 29 March 2001.

13W Approval by Commissioner

The Commissioner may, in writing, approve a training course in supervising the provision of urine samples.

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

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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.

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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.

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(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.

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(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.

(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.

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(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.

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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 Australian Crime Commission (the ***ACC***) who is a member of the Australian Federal Police; and

(b) for the purposes of the investigation of a matter by the ACC, 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; and

(c) in respect of a warrant authorising officials to use a listening device in relation to a particular item, Form 6 in that Schedule is prescribed.

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Part 5 AFP property matters

28 Return of property etc

(1) A person who ceases to be a Deputy Commissioner, an AFP employee, a special member or a special protective service officer 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 in the AFP 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.

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(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 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.

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(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.

(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.

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(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:

(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.

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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.

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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 2 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.

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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

(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.

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Schedule 1 Forms

(regulations 8, 9 and 27)

Form 1 Undertaking

(regulation 8)

Australian Federal Police Act 1979

UNDERTAKING RELATING TO PERFORMANCE OF DUTIES

I, , undertake that I will, in the performance of my duties as a *member/*special member/*protective service officer/*special protective service officer 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 for member or special member

(subregulation 9 (1))

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!

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Form 3 Affirmation for member or special member

(subregulation 9 (1))

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 3A Oath for protective service officer or special protective service officer

(subregulation 9 (2))

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 protective service officer (*or* special protective service officer) of the Australian Federal Police without fear or favour, affection or ill will, from this date until I cease to be such a protective service officer (*or* special protective service officer), and that, while I continue to be a protective service officer (*or* special protective service officer) 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!

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Form 3B Affirmation for protective service officer or special protective service officer

(subregulation 9 (2))

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 protective service officer (*or* special protective service officer) of the Australian Federal Police without fear or favour, affection or ill will, from this date until I cease to be such a protective service officer (*or* special protective service officer) and that, while I continue to be a protective service officer (*or* special protective service officer) 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 Listening device warrant in relation to a particular person (Act s 12G (2))

(paragraph 27 (a))

Commonwealth of Australia

Australian Federal Police Act 1979

WARRANT UNDER SUBSECTION 12G (2) IN RELATION TO A PARTICULAR PERSON

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.

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

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(a) to use a listening device for the purpose of listening to, or recording, words spoken by, to, or in the presence of, [2], anywhere in Australia;

[(b) [at any time of the day or night/between the hours of [3]]* to enter[, without permission first being sought or demand first being made,]# any premises in which the person mentioned in paragraph 1 (a) of this warrant is, or is likely to be, for the purpose of installing, maintaining, testing, using or recovering the listening device or a part of the listening device;]#

[(c) to take the following measures to effect entry:

- [4].]#

2. This warrant is issued on the basis of information given to me by [5], 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 the person mentioned in paragraph 1 (a) of this warrant.

[3. This warrant is issued subject to the following conditions and restrictions:

- [6].]#

4. This warrant takes effect from the time of its issue and remains in force until the end of [7].

Issued on [8] at [9].

……..……..……

[Judge/nominated AAT member]*.

* *omit whichever is inapplicable*

\# *omit if inapplicable*

1 *insert full name of Judge or nominated AAT member*

2 *insert full name of person and, if known, his or her address and occupation*

3 *if applicable, insert times of day*

4 *if applicable, insert measures necessary to effect entry*

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5 *insert full name and rank (if any) of applicant for warrant*

6 *if applicable, insert conditions/restrictions*

7 *insert a date within the period of 6 months that commences at the beginning of the day of issue of the warrant*

8 *insert date of issue*

9 *insert time of issue*

Form 5 Listening device warrant in relation to particular premises (Act s 12G (4))

(paragraph 27 (b))

Commonwealth of Australia

Australian Federal Police Act 1979

WARRANT UNDER SUBSECTION 12G (4) IN RELATION TO PARTICULAR PREMISES

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.

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

   (a) to use a listening device for the purpose of listening to, or recording, words spoken by, or to, any person while the person is in [2];

   [(b) [at any time of the day or night/between the hours of [3]]* to enter those premises[, without permission first being sought or demand first being made,]# for the purpose of installing, maintaining, testing, using or recovering the listening device or a part of the listening device;]#

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[(c) to take the following measures to effect entry:

- [4].]#

2. This warrant is issued on the basis of information given to me by [5], 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 the premises mentioned in paragraph 1 (a) of this warrant.

[3. This warrant is issued subject to the following conditions and restrictions:

- [6].]#

4. This warrant takes effect from the time of its issue and remains in force until the end of [7].

Issued on [8] at [9].

……

[Judge/nominated AAT member]*.

---

* *omit whichever is inapplicable*

\# *omit if inapplicable*

1 *insert full name of Judge or nominated AAT member*

2 *insert identifying details of premises in Australia*

3 *if applicable, insert times of day*

4 *if applicable, insert measures necessary to effect entry*

5 *insert full name and rank (if any) of applicant for warrant*

6 *if applicable, insert conditions/restrictions*

7 *insert a date within the period of 6 months that commences at the beginning of the day of issue of the warrant*

8 *insert date of issue*

9 *insert time of issue*

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Form 6 Listening device warrant in relation to a particular item (Act s 12G (5A))

(paragraph 27 (c))

Commonwealth of Australia

Australian Federal Police Act 1979

WARRANT UNDER SUBSECTION 12G (5A) IN RELATION TO A PARTICULAR ITEM

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.

1. I, [1], [an eligible Judge/a nominated AAT member]* (within the meaning of section 12B of the *Australian Federal Police Act 1979*), having been satisfied by information on oath of the matters specified in paragraph 12G (5A) (b) of that Act, authorise you as follows:

   (a) to use a listening device for the purpose of listening to, or recording, words spoken by, or to, any person while the person is in the vicinity of [2]
   (which may be located anywhere in Australia);

   [(b) [at any time of the day or night/between the hours of [3]]* to enter[, without permission first being sought or demand first being made,]# any premises in which that item is, or is likely to be, for the purpose of installing the listening device, or a part of the listening device, in or on that item, or for the purpose of maintaining, testing, using or recovering the listening device or a part of the listening device;]#

   [(c) to take the following measures to effect entry:

   - [4].]#

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2. This warrant is issued on the basis of information given to me by [5], a member of the Australian Federal Police, in respect of an application for the issue of a warrant under subsection 12G (5A) 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 the item mentioned in paragraph 1 (a) of this warrant.

[3. This warrant is issued subject to the following conditions and restrictions:

- [6].]

4. This warrant takes effect from the time of its issue and remains in force until the end of [7].

Issued on [8] at [9].

……..
[Judge/nominated AAT member]*.

* *omit whichever is inapplicable*

\# *omit if inapplicable*

1 *insert full name of Judge or nominated AAT member*

2 *insert description of item*

3 *if applicable, insert times of day*

4 *if applicable, insert measures necessary to effect entry*

5 *insert full name and rank (if any) of applicant for warrant*

6 *if applicable, insert conditions/restrictions*

7 *insert a date within the period of 6 months that commences at the beginning of the day of issue of the warrant*

8 *insert date of issue*

9 *insert time of issue*

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Schedule 1A Persons authorised to conduct tests and to operate equipment for that purpose

(regulation 13G)

Item	Test	Authorised persons
1	Breath test in accordance with regulation 13M	AFP employee who has completed a training course in conducting breath tests approved under regulation 13N
		Member of the police force of a State or Territory who is authorised to conduct a breath test using an approved breath analysis instrument
2	Blood test in accordance with regulation 13R	Medical practitioner
		Registered nurse
3	Prohibited drug test in accordance with regulation 13R	Medical practitioner
		Registered nurse
4	Prohibited drug test in accordance with regulation 13V	Medical practitioner
		Registered nurse
		A person who has completed a training course in supervising the provision of urine samples approved under regulation 13W

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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: (a) alleged harassment of the person; or (b) alleged violence, or threats of violence directed against that person	20

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Column 1 Item	Column 2 Matter	Column 3 Fee $
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

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Column 1 Item	Column 2 Matter	Column 3 Fee $
21	AFP employee searching AFP records to present or produce evidence to a court	Cost to AFP for use of AFP employee's time
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.

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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 2 July 2000 is not included in this compilation. For subsequent information *see* Table A.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

Year and number	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
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)
as amended by			
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	—

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Table of Instruments

Year and number	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
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	—
1989 No. 361	21 Dec 1989	1 Jan 1990 (*see Gazette* 1989, No. S397)	R. 21
1989 No. 362	21 Dec 1989	Rr. 5, 9–15 and 18: 1 Jan 1990 (*see* r. 1 and *Gazette* 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 (*see* r. 1 and *Gazette* 1993, No. GN17)	R. 2
1994 No. 113	29 Apr 1994	1 May 1994	—
1995 No. 324	3 Nov 1995	6 Nov 1995 (*see* r. 1 and *Gazette* 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 (*see* r. 2 and *Gazette* 2000, No. 328)	Rr. 4–6 [*see* Table A]
2001 No. 77	27 Apr 2001	27 Apr 2001	—
2002 No. 4	21 Feb 2002	21 Feb 2002	—
2002 No. 326	20 Dec 2002	1 Jan 2003 (*see* r. 2)	—
2004 No. 221	22 July 2004	22 July 2004	—
2006 No. 326	14 Dec 2006 (*see* F2006L03972)	30 Dec 2006 (*see* r. 2)	—
2007 No. 264	10 Sept 2007 (*see* F2007L03551)	11 Sept 2007	—

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Table of Amendments

The amendment history of the *Australian Federal Police Regulations 1979* appears in the Table below. For repealed provisions up to and including Statutory Rules 2000 No. 138 *see* the Repeal Table.

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

Provision affected	How affected
Part 1	
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 am. 2006 No. 326
Note to r. 2.....	rs. 2004 No. 221 rep. 2006 No. 326
Part 2	
Heading to Part 2.....	ad. 1992 No. 298 rs. 2000 No. 138
Division 2.1	
Heading to Div. 2.1 of Part 2.....	ad. 2000 No. 138
R. 3.....	rs. 1984 No. 296 am. 1988 No. 363 rs. 2000 No. 138
R. 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; 2006 No. 326
R. 6.....	am. 1980 No. 140 rs. 1984 No. 296; 1988 No. 363 am. 1989 No. 361 rs. 2000 No. 138

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Table of Amendments

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

Provision affected	How affected
Division 2.2	
Heading to Div. 2.2 of Part 2	ad. 2000 No. 138
R. 7	ad. 1989 No. 361 rs. 2000 No. 138 rep. 2001 No. 77
R. 8	ad. 2000 No. 138 am. 2004 No. 221
R. 9	ad. 2000 No. 138 am. 2004 No. 221
Division 2.3	
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
Division 2.4	
Heading to Div. 2.4 of Part 2	ad. 2000 No. 138
R. 12	rs. 2000 No. 138
Note to r. 12	rep. 2006 No. 326
R. 13	am. 1984 No. 297; 1992 No. 298 rs. 2000 No. 138 am. 2004 No. 221
Division 2.4A	
Div. 2.4A of Part 2	ad. 2006 No. 326
R. 13A	ad. 2006 No. 326
R. 13B	ad. 2006 No. 326
R. 13C	ad. 2006 No. 326
R. 13D	ad. 2006 No. 326
Division 2.4B	
Div. 2.4B of Part 2	ad. 2006 No. 326
Subdivision 2.4B.1	
R. 13E	ad. 2006 No. 326
R. 13F	ad. 2006 No. 326
R. 13G	ad. 2006 No. 326
R. 13H	ad. 2006 No. 326
R. 13J	ad. 2006 No. 326
R. 13K	ad. 2006 No. 326 am. 2007 No. 264

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Table of Amendments

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

Provision affected	How affected
R. 13L	ad. 2006 No. 326
Subdivision 2.4B.2	
R. 13M	ad. 2006 No. 326
R. 13N	ad. 2006 No. 326
Subdivision 2.4B.3	
R. 13P	ad. 2006 No. 326
R. 13Q	ad. 2006 No. 326
R. 13R	ad. 2006 No. 326
R. 13S	ad. 2006 No. 326
R. 13T	ad. 2006 No. 326
R. 13U	ad. 2006 No. 326
Subdivision 2.4B.4	
R. 13V	ad. 2006 No. 326
R. 13W	ad. 2006 No. 326
Division 2.5	
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
R. 15	rs. 1984 No. 297; 1988 No. 363 am. 1989 Nos. 361 and 362 rs. 2000 No. 138
Part 3	
Heading to Part 3	ad. 1989 No. 361 am. 1992 No. 298 rs. 2000 No. 138
Division 3.1	
Heading to Div. 3.1 of Part 3	ad. 2000 No. 138
R. 16	ad. 1989 No. 361 rs. 2000 No. 138
R. 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

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Table of Amendments

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

Provision affected	How affected
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
Division 3.2	
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
Part 4	
Heading to Part 4	ad. 1992 No. 298
Part IV	ad. 1990 No. 23
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. 26	am. 2002 No. 326
R. 37	ad. 1990 No. 23 am. 1992 No. 298; 2000 No. 138
Renumbered r. 27	2000 No. 138
R. 27	am. 2002 No. 4
Part 5	
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
R. 28	am. 2004 No. 221
R. 29	ad. 2000 No. 138
R. 30	ad. 2000 No. 138
R. 31	ad. 2000 No. 138
R. 32	ad. 2000 No. 138

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Table of Amendments

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

Provision affected	How affected
Part 6	
Heading to Part 6	ad. 2000 No. 138
R. 33	ad. 2000 No. 138
R. 46	ad. 1989 No. 139 rs. 1996 No. 330 am. 2000 Nos. 137 and 138
Renumbered r. 34	2000 No. 138
R. 34	am. 2004 No. 221
R. 48	ad. 1989 No. 139 am. 1990 No. 273; 1998 No. 232; 2000 No. 138
Renumbered r. 35	2000 No. 138
Schedule 1	
Schedule 4	am. 1984 No. 297; 1989 No. 361; 1990 No. 23; 1992 No. 298; 1997 No. 375; 2000 No. 138
Renumbered Schedule 1	2000 No. 138
Schedule 1	am. 2002 No. 4; 2004 No. 221
Form 1	1979 No. 210 rs. 2000 No. 138 am. 2004 No. 221
Heading to Form 2	rs. 2004 No. 221
Form 2	1979 No. 210 am. 1984 No. 297; 2000 No. 138
Heading to Form 3	rs. 2004 No. 221
Form 3	1979 No. 210 am. 1984 No. 297; 2000 No. 138
Form 3A	ad. 2004 No. 221
Form 3B	ad. 2004 No. 221
Form 4	ad. 1990 No. 23
Renumbered Form 6	1992 No. 298
Form 6	am. 1997 No. 375
Renumbered Form 4	2000 No. 138
Form 4	rs. 2002 No. 4
Form 5	ad. 1990 No. 23
Renumbered Form 7	1992 No. 298
Form 7	am. 1997 No. 375
Renumbered Form 5	2000 No. 138
Form 5	rs. 2002 No. 4
Form 6	ad. 2002 No. 4
Schedule 1A	
Schedule 1A	ad. 2006 No. 326

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Table of Amendments

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

Provision affected	How affected
Schedule 2	
Schedule 6	ad. 1989 No. 139 am. 1990 No. 273; 1992 No. 298 rs. 1996 No. 330; 1998 No. 232 am. 2000 Nos. 137 and 138
Note to Schedule 6	rs. 2000 No. 138
Renumbered Schedule 2 .	2000 No. 138

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Repeal Table

The amendment history of the repealed provisions of the *Australian Federal Police Regulations 1979* up to and including Statutory Rules 2000 No. 138 appears in the Table below.

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

Provision affected	How affected
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
Heading to Div. 2 of Part II	am. 1985 No. 293; 1989 No. 361 rep. 2000 No. 138
Div. 2 of Part II (rr. 5–11)	rep. 1984 No. 296
Div. 2 of Part II (rr. 5–9)	ad. 1984 No. 296 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 Part II	ad. 1984 No. 296 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
Heading to Part 2A	ad. 1989 No. 362 rep. 2000 No. 138
Part IIA (rr. 14A–14S)	ad. 1985 No. 293 rep. 2000 No. 138
Div. 1 of Part IIA (rr. 14A–14J)	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

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Repeal Table

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

Provision affected	How affected
R. 14B	ad. 1985 No. 293 rep. 1988 No. 83 ad. 1988 No. 363 rs. 1992 No. 298 rep. 2000 No. 138
Rr. 14C–14H	ad. 1985 No. 293 rep. 1988 No. 83
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 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

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Repeal Table

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

Provision affected	How affected
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
Heading to Div. 1A of Part 3	ad. 1989 No. 361 rep. 2000 No. 138
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
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. 18–23, 23A, 24, 24A, 25)	rep. 1985 No. 293
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

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Repeal Table

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

Provision affected	How affected
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
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

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Repeal Table

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

Provision affected	How affected
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 (r. 34)	rep. 1984 No. 296
Div. 3 of Part III (rr. 33, 33A)	ad. 1989 No. 344 rep. 2000 No. 138
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
Heading to Part 3A	am. 1992 No. 298 rep. 2000 No. 138
Part IIIA (rr. 34, 34A–34G)	ad. 1985 No. 293 rep. 1989 No. 362
Part 3A (rr. 34, 34A–34C)	ad. 1989 No. 362 rep. 2000 No. 138
R. 34	am. 1980 No. 140 rep. 1984 No. 296 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

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Repeal Table

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

Provision affected	How affected
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 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

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Repeal Table

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

Provision affected	How affected
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
Schedule 3	am. 1980 No. 140 rep. 1984 No. 296
Schedule 4	
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 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;

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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.

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