

PARLIAMENTARY JOINT COMMITTEE ON THE
AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY

EXAMINATION OF THE ANNUAL REPORT OF
THE INTEGRITY COMMISSIONER 2014–15

Question No. ACLEI-01

Senator Catryna Bilyk asked the following question at the hearing on 4 February 2016:
Are you able to tell us how many warrants were obtained during the reporting year by partner agencies as part of joint investigations? The question comes at about page 71, I understand.

The answer to the honourable senator's question is as follows:

In most situations, ACLEI holds its own warrants related to matters in jurisdiction. However, warrants will sometimes be taken out by partner agencies when an ACLEI investigation overlaps with a broader criminal investigation.

As is commonplace in the inter-jurisdictional policing environment, such decisions are taken under joint investigation governance arrangements that are agreed for each operation. The types of operational factors considered in taking such a course of action include:

- whether an investigation is in early or resolution stages of an investigation
- the known or suspected extent of any conspiracy with (non-jurisdiction) criminal entities
- the presence of State or Commonwealth offences that might found a warrant application
- the operational resources needed to effect a warrant and manage any assets or evidence seized.

Since the boundary between the ACLEI and the law enforcement sides of a joint investigation are not always easily delineable, it is not a straightforward exercise to disaggregate the statistics that have been requested. For this reason, ACLEI has adopted the practice of referring to these matters in Annual Reports, but not providing statistics.

ACLEI notes that warrant applications—whether for telecommunications interception, surveillance devices or to conduct a search—are all subject to judicial oversight, irrespective of the applicant and the jurisdiction.

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Question No. ACLEI-02

Senator Catryna Bilyk asked the following question at the hearing on 4 February 2016:

The last question I wanted to ask was in relation to Operation Barden, the AFP's supervision of a traveller with internally concealed drugs. Your annual report notes that the incidence occurred in October 2012, but ACLEI was not notified of the issue until April 2014. Do you know why there was a delay in reporting the issue? Are you able to tell us that?

The answer to the honourable senator's question is as follows:

Having regard to the information then known—including that the situation could not have been pre-meditated—the AFP dealt with this matter initially as a performance issue, with various checks also being made to assess the likelihood of misconduct.

ACLEI and AFP case management officers routinely discuss near-misses and performance issues that could indicate corruption risk or vulnerability. In this context, and as noted in the report, it was later notified to ACLEI as a precautionary measure.

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Question No. ACLEI-03

Senator Catryna Bilyk asked the following question at the hearing on 4 February 2016:
How were members of the audit committee selected? Could you give us a bit of a briefing on that as a question on notice?

The answer to the honourable senator's question is as follows:

The role of the Audit Committee is to provide independent advice and assurance to the Integrity Commissioner on ACLEI's accountability and risk control framework, including independently verifying the integrity of the Agency's financial and performance reporting.

Subsection 17(3) of the *Public Governance, Performance and Accountability Rule 2014* requires that Audit Committee members, taken collectively, will have a broad range of knowledge, skill and experience relevant to the operations of the entity, including its information technology environment. All members should also be conversant with financial management reporting and at least one member of the Committee should have accounting or related financial management experience and/or qualifications, and a comprehensive understanding of accounting and auditing standards.

Accordingly, Committee members are appointed by the Integrity Commissioner having regard to their qualifications and ability to contribute effectively, noting ACLEI's specific risk context.

ACLEI's Audit Committee members (as at 4 February 2016) are:

Mr Darren Box (Independent Chair)

Mr Box is General Manager (SES Band 2), Customer Payment Services Division, Department of Human Services, and is a Fellow of the Certified Practising Accountants. Mr Box has considerable internal auditing experience in the public sector through previous roles, including as Chief Internal Auditor and Chief Financial Officer within the Department of Human Services. Mr Box has also held the roles of Executive Director Assurance Audit Services with the Australian National Audit Office, and Client Director Assurance Audit Services, United Kingdom Audit Office.

Ms Joann Corcoran (Independent Member)

Ms Corcoran's substantive position is Assistant Secretary (SES Band 1), Information Division, Attorney-General's Department. Ms Corcoran has extensive public sector risk management experience working in senior ICT and corporate roles across human resources, finance, content management, business intelligence, business continuity planning, and infrastructure planning disciplines.

Brigadier James Gaynor CSC (Independent Member)

Brigadier Gaynor is the Acting Inspector General Australian Defence Force. He holds a Bachelor of Commerce (Finance) and Master of Laws from the University of New South Wales. He also holds a Master of Public Administration with Distinction from the Australian National University, a Master of Management in Defence Studies from the University of Canberra and a Graduate Certificate in Maritime Power from the University of Wollongong. The Law Society of NSW has accredited Brigadier Gaynor as a specialist in Government and Administrative Law.

Nicholas Sellars GAICD (ACLEI Executive Director Secretariat)

Mr Sellars has more than 14 years' experience in Australian Government integrity agencies—including in ACLEI, the Commonwealth Ombudsman and the Office of the Privacy Commissioner. Mr Sellars is a Graduate of the Australian Institute of Company Directors (GAICD) and an alumnus of the Australia and New Zealand School of Governance (ANZSOG) and the International Anti-Corruption Summer Academy (in Vienna).

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Question No. ACLEI-04

Senator Catryna Bilyk asked the following question at the hearing on 4 February 2016:

Here are a couple of other things I will flag that you might want to take on notice as well. I understand you are a small agency, but I note that there are no employees that identified as Indigenous at the end of the reporting year. Are there any issues or concerns around staff diversity?

The answer to the honourable senator's question is as follows:

Within its operating context, ACLEI aims to foster an attractive and considerate working environment that reflects Australia's rich cultural diversity and which values a wide range of backgrounds.

ACLEI has both a Workplace Diversity Program and a Reconciliation Action Plan in place, with practical strategies directed to promoting the cultural awareness of all staff and removing possible barriers to the recruitment and retention of Culturally and Linguistically Diverse staff, including Aboriginal and Torres Strait Islander peoples. For instance, ACLEI has participated previously in the Indigenous Graduate program of other agencies, and continues to seek such opportunities.

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Question No. ACLEI-05

Senator Catryna Bilyk asked the following question at the hearing on 4 February 2016:

What do you see as the major challenges for action in 2015-16? Can you outline some of the key approaches that you are taking to meet them?

The answer to the honourable senator's question is as follows:

Prepared under the *Public Governance, Performance and Accountability Act 2013*, ACLEI's Corporate Plan 2015–16 comprehensively sets out the agency's strategic context, strategy (including strategic priorities for 2015–16), risk environment and performance measures. From 2015–16, agency annual reports will report against that framework. The annual Corporate Plan is available on ACLEI's website.

In 2015–16, ACLEI's challenges include:

- The addition of the Department of Immigration and Border Protection to ACLEI's jurisdiction
- The extension of the ACLEI/AFP Joint Taskforce in Sydney to deal with Corruption Enabled Border Crime, and
- Managing those risks and opportunities created by a one-third growth in staff numbers.

To meet these challenges, ACLEI is:

- Engaging closely with DIBP to gain a better understanding of corruption risks in the border operating environment—including the ways in which legitimate visa and migration functions could be manipulated to enable other serious crimes (such as money laundering, terrorism financing, drug trafficking or sexual exploitation)
- Placing greater emphasis on ACLEI's strategies to detect highly concealed ("hard to detect") corruption
- Taking a staged approach to recruitment, to ensure high professional standards and a positive work culture are maintained across ACLEI's sites.