



Australian Government
Attorney-General's Department

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Attorney-General's Department

Select Committee on the establishment of a National Integrity Commission

1. Scope of submission

The Attorney-General's Department (the department) thanks the committee for the opportunity to make a submission to its inquiry. The department has consulted a range of agencies in preparing this submission.

2. Introduction

Australia is consistently ranked by Transparency International as one of the least corrupt countries in the world. On the 2015 Corruption Perceptions Index, Australia is ranked 13 out of 168 countries with a score of 79 points. Our results remain comparable with countries such as Canada (ranked 9th with 83 points), the United Kingdom (ranked 10th with 81 points) and the United States (ranked 16th with 76 points).

The Australian Government is committed to stamping out corruption in all its forms. The Government does not support the establishment of a National Integrity Commission. The Government has a robust, multi-faceted approach to combating corruption, as outlined below.

3. The Australian Government's framework to address corruption and misconduct

The Australian System of Government

The Australian system of government provides safeguards against corrupt behaviour. As a representative democracy, parliamentarians in Australia are elected by, and accountable to, the people of Australia. Furthermore, the separation of powers and the rule of law provide the foundation for our system of government and provide checks against corruption and abuse of power.

Under the rule of law, everyone – including citizens and the government – is bound by and entitled to the benefit of laws. The Australian Government advances the rule of law by ensuring that laws are clear, predictable, accessible, made in consultation with the community, and publicly adjudicated by an independent judicial system.

Australia's independent and impartial judicial system protects against corruption. Judicial officers act independently of the parliament and the executive. Constitutional guarantees of tenure and remuneration assist in securing judicial independence and impartiality. The Governor-General has the power to remove judges for proved misbehaviour or incapacity (but only provided that such a course of action has been requested by both Houses of Parliament in the same session). Complaints against federal judges can be handled by federal courts, Federal Parliament, and Parliamentary Commissions.

Australia has a free and open media, an active civil society and an independent legal profession. Each plays an important role in protecting against corruption by enabling scrutiny of both the public and private sectors.

As part of Australia's multi-faceted approach to combating corruption, a range of government institutions have specialised roles and responsibilities in deterring, detecting and responding to corruption. These institutions include parliamentary committees, government departments, statutory authorities and law enforcement agencies. This holistic approach to anti-corruption includes standards and oversight, detection and investigation, prosecution and international cooperation.

The Australian Government's approach to corruption and misconduct is complemented by the institutions, agencies, laws, and policies of the states and territories.

Commonwealth Agencies

Many Australian Government agencies play an important role in fighting corruption and promoting a culture of integrity. Some of the key bodies are discussed below.

The Attorney-General's Department is the lead agency responsible for the Commonwealth's domestic and international anti-corruption policy, and a range of related topics including foreign bribery, anti-money laundering and counter-terrorism financing regimes, Commonwealth fraud control and the Protective Security Policy Framework. The department assists Australia's active engagement in international fora aimed at combating corruption, money laundering and foreign bribery. These include UN fora relating to the UN Convention against Corruption (UNCAC), the UN Convention against Transnational Organised Crime, the G20 Anti-Corruption Working Group, APEC Anti-Corruption and Transparency Working Group, the Financial Action Task Force (FATF), the Asia-Pacific Group on Money Laundering and the OECD Working Group on Bribery. The department is also Australia's central authority for extradition and mutual assistance requests, and works with partner countries to investigate, prosecute and recover the proceeds of crime in transnational corruption cases.

The Australian Federal Police (AFP) investigates serious corruption issues, has a key role in corruption prevention, disruption and education, and engages with international fora relating to anti-corruption. A dedicated Fraud and Anti-Corruption Centre (FAC Centre) is located within the AFP. This centre coordinates the operational response to corruption. It brings together officials from the Australian Taxation Office (ATO), Australian Securities and Investments Commission (ASIC), the Australian Crime Commission (ACC), the Department of Human Services, the Department of Foreign Affairs and Trade, the Department of Immigration and Border Protection, the Department of Defence, and the Australian Transaction Reports and Analysis Centre (AUSTRAC). Officials from the Attorney-General's Department and the Commonwealth Director of Public Prosecutions (CDPP) are represented as advisory members. The FAC Centre assesses, prioritises and responds to serious fraud and corruption measures. The FAC Centre has specialist teams located all around Australia and engages with local intelligence initiatives and agencies.

Further information on the AFP's role in the Commonwealth Government's anti-corruption framework can be found at **Attachment A**.

The Australian Crime Commission (ACC) conducts special operations against the highest threats from serious and organised crime. The ACC may use coercive powers in special operations and investigations to obtain information where traditional law enforcement methods are unlikely to be successful. The ACC manages the Australian Criminal Intelligence Database and the Australian Law Enforcement Intelligence Network which provide Commonwealth, state and territory law enforcement and regulatory authorities with a system to securely store, retrieve and share criminal information and intelligence.

The Australian Commission for Law Enforcement Integrity (ACLEI) assists the Integrity Commissioner to provide independent assurance to government about the integrity of prescribed law enforcement agencies and their staff, by detecting and investigating corruption issues. ACLEI also collects intelligence about corruption in relevant agencies, and has a role in preventing corruption. The agencies presently subject to the Integrity Commissioner's jurisdiction are the ACC, the AFP, AUSTRAC, the CrimTrac Agency, prescribed

aspects of the Department of Agriculture and Water Resources, and the Department of Immigration and Border Protection (including the Australian Border Force).

The Australian Public Service Commission is responsible for promoting high standards of integrity and conduct in the Australian Public Service (APS). The APS Values and Code of Conduct, set out in the *Public Service Act 1999* (Cth), impose enforceable obligations on APS employees to act with high levels of integrity. Under that Act, APS agency heads are responsible for investigating and dealing with misconduct in their agencies. Each agency has procedures in place to investigate alleged breaches of the Code of Conduct. Under the Act, the Australian Public Service Commissioner also has a role to investigate allegations of misconduct by agency heads. The Commissioner may also investigate suspected misconduct of APS employees generally at the request of the Prime Minister or the relevant agency head.

The Australian Transaction Reports and Analysis Centre (AUSTRAC) is Australia's anti-money laundering and counter-terrorism financing (AML/CTF) regulator and specialist Financial Intelligence Unit. AUSTRAC is responsible for collecting, analysing and disseminating financial intelligence to its designated law enforcement, national security, revenue collection and social welfare partner agencies. As part of this role, AUSTRAC allows domestic partner agencies (for example the ATO, ASIC, the ACC and the AFP) on-line access to the AUSTRAC database of financial transaction reports information.

AUSTRAC also has an extensive international network of ties with more than 80 foreign FIUs, which enables AUSTRAC to facilitate the exchange of financial and other intelligence between Australian agencies and overseas counterparts. AUSTRAC also provides on-site training and analytical assistance to those domestic agencies to assist their efforts in combating crime and corruption, revenue evasion, the funding of terrorism and major fraud.

Under the AML/CTF regulatory framework AUSTRAC supervises compliance and transaction reporting obligations of more than 14,000 entities in the banking and finance, gambling, remittance and bullion sectors. The AML/CTF framework provides these regulated entities with the toolkit to identify and combat corruption. The framework obliges regulated entities to identify and verify customers, assess beneficial ownership and control and the source of the customer's funds and identify whether the customer is a politically exposed person. Where a regulated entity identifies any suspicious activity relating to a customer's behaviour or transaction activity, it must be reported to AUSTRAC.

The Department of Immigration and Border Protection (DIBP) has significantly strengthened its internal integrity and fraud control framework following integration of the former Customs and Immigration agencies (we understand that further detail is in the DIBP submission to this inquiry). In addition, DIBP also has a role in protecting the Australian community from the risk of harm posed by non-citizens who engage in criminal acts or other conduct of concern. This extends to non-citizens who are either alleged to have engaged in corrupt conduct, or have actually been charged with or convicted of corruption offences. Where DIBP becomes aware of such cases, the non-citizen will have their visa application assessed for refusal on character grounds or, if they are already a visa holder, they will be assessed for possible visa cancellation. DIBP's ability to take action against non-citizens of character concern was strengthened as a result of legislative reforms in late 2014 that expanded cancellation and refusal powers under the *Migration Act 1958* (Cth).

DIBP works closely with other domestic and foreign law enforcement agencies, both under formal and informal arrangements, to proactively identify non-citizens of character concern and prevent their travel or entry to Australia wherever possible.

The Commonwealth Director of Public Prosecutions (CDPP) prosecutes crimes against Commonwealth law relating to corruption, including fraud, money laundering and commercial offences. The CDPP has developed an expertise in the prosecution of such matters and its adoption of a Practice Group Model in mid-2014 has enabled it to further build expertise and national consistency. These benefits include the facilitation of information sharing around the country, establishment of networks for prosecutors working in specialised areas, provision of online legal resources and nationwide meetings.

The Commonwealth Ombudsman considers and may investigate complaints from people who believe they have been treated unfairly or unreasonably by an Australian Government department or agency or prescribed private sector organisation. The Commonwealth Ombudsman is also the Ombudsman for private health insurance, overseas students, the Defence Force, law enforcement, the Australian Capital Territory, and Norfolk Island. The Ombudsman shares oversight of the *Public Interest Disclosure Act 2013* (PID Act), which seeks to encourage public officials to disclose suspected wrongdoing in the Commonwealth public sector. The Ombudsman is responsible for overseeing approximately 20 law enforcement agencies and their use of certain covert and intrusive powers. The Ombudsman's complaints handling, investigation, inspection and PID Scheme oversight work provides a window into possible maladministration and corruption risk across government.

The Australian Securities and Investments Commission (ASIC) investigates breaches of the *Corporations Act 2001* (Cth) and takes criminal, civil and administrative action in cases of corporate misconduct. Within ASIC, the Office of the Whistleblower monitors the handling of whistleblower reports.

A number of other government agencies play a role in safeguarding the integrity of government administration. These include:

- the Australian National Audit Office
- the Inspector-General of Intelligence and Security
- the Department of the Prime Minister and Cabinet
- the Australian Prudential Regulation Authority
- the Department of Human Services
- the Department of Defence
- the Department of Foreign Affairs and Trade
- Treasury
- the Australian Taxation Office
- the Fair Work Ombudsman
- the Australian Competition and Consumer Commission
- the Inspectors-General of Taxation, Intelligence and Security, and Defence
- the Australian Electoral Commission
- the Department of Finance
- the Office of National Assessments, and
- the Parliamentary Services Commissioner.

Individual agencies implement internal policies to prevent, detect, investigate and respond to corruption and misconduct as required under the Commonwealth fraud control policy, *APS Values*, *APS Code of Conduct* and the *Public Service Act 1999* (Cth).

Legislative Measures

The Australian Government's anti-corruption framework is supported by robust legislative measures.

Importantly:

- the *Criminal Code 1995* (Cth) criminalises a range of corrupt behaviours directed at and committed by Commonwealth entities and foreign public officials
- the *Crimes (Superannuation Benefits) Act 1992* (Cth) enables the forfeiture and recovery of employer-funded superannuation benefits from Australian Government employees who have been convicted of a corruption offence(s) and sentenced to more than twelve months imprisonment
- the *Corporations Act 2001* (Cth) contains criminal offence and civil contraventions that can be prosecuted/litigated in cases of corporate misconduct
- the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) provides financial intelligence to revenue and law enforcement agencies
- the *Law Enforcement Integrity Commissioner Act 2006* (Cth) establishes the office of the Integrity Commissioner and the Australian Commission for Law Enforcement Integrity to facilitate the prevention, detection, and investigation of corrupt conduct in law enforcement agencies
- the *Public Governance, Performance and Accountability Act 2013* (Cth)(PGPA Act) imposes requirements regarding the governance, performance and accountability of, and the use and management of, public resources by the Commonwealth
- the *Public Interest Disclosure Act 2013* (PID Act) facilitates the disclosure and investigation of wrongdoing and maladministration in the Commonwealth public sector
- the *Public Service Act 1999* (Cth) contains the APS Values and Code of Conduct, which bind APS employees and sets out required behaviours with respect to misconduct (including corruption), and
- The *Fraud Rule* (s 10 of the *Public Governance, Performance and Accountability Rule 2014*) sets out the key principles of fraud control under the PGPA Act framework and binds all entities.

The Australian Government has recently progressed additional legislative measures designed to ensure that laws applying to corrupt behaviour are framed appropriately:

- In November 2015, the Parliament passed the *Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015* to clarify that a foreign bribery conviction can be achieved without proof of an intention to influence a particular foreign public official.
- In February 2016, the Parliament passed the *Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Act 2015* which introduced two new offences of false dealing with accounting documents. These are offences apply broadly and will carry penalties of up to 10 years imprisonment and fines of up to \$1.8 million for individuals and \$18 million for corporations.

Parliamentary Processes and Practices

Parliamentary Committees have an important role to play in overseeing the integrity framework. The Joint Standing Committee on Public Accounts and Audit holds Commonwealth agencies to account for the lawfulness, efficiency and effectiveness with which they use public monies. Furthermore, there are at least three Parliamentary Committees currently inquiring into anti-corruption-related matters, including the Senate Select Committee inquiry into a national integrity commission and the Senate Committee inquiries into foreign bribery and into criminal, civil and administrative penalties for white collar crime. Additionally, the Parliamentary Joint Committee on ACLEI is currently conducting an inquiry into whether the Integrity Commissioner's jurisdiction should be further extended to other Commonwealth agencies with law enforcement functions that may also operate in high corruption-risk environments.

The conduct of Ministers and Ministerial staff is also governed by the *Standards of Ministerial Ethics* and the *Code of Conduct for Ministerial Staff*. Both Houses of Parliament may pass censure motions to bring members and Senators to political account for their conduct, and a person may be removed from Parliament if they are convicted of a serious criminal offence, including corruption-related offences.

Australian Government Policies, Processes, and Initiatives

As noted earlier, the APSC is responsible for promoting high standards of integrity and conduct within the Australian Public Service. See further detail in the APSC submission that we understand has been made to this inquiry.

Lobbying Code of Conduct and Register of Lobbyists

The Department of Prime Minister and Cabinet is responsible for the Australian Government's *Lobbying Code of Conduct* (the Code) and *Register of Lobbyists* (the Register), which aim to ensure that contact between lobbyists and Australian Government representatives is conducted in accordance with public expectations of transparency, integrity, and honesty. The Code underpins the Register and sets out the requirements for contact between third-party lobbyists and Government representatives. It also indicates what will be publicly available on the Register and outlines the conditions for successful registration of lobbyists. The Code contains a number of sections designed to uphold the integrity of the Register. These include principles of engagement with Government representatives which prohibit lobbyists from engaging in conduct that is corrupt, dishonest or illegal. The Code also places prohibitions on lobbying activities for former government representatives and executive members of political parties. The responsibility of the Code lies with the Secretary of the Department of the Prime Minister and Cabinet, who has power to include or remove lobbyists from the Register and is responsible for investigating reported breaches of the Code.

Commonwealth Fraud Control Framework

The Commonwealth Fraud Control Framework sets out the Australian fraud control arrangements and consists of three key documents. Firstly, the Fraud Rule sets out the key principles of fraud control for all entities under the PGPA Act framework. Under the Fraud Rule, all entities are required to conduct risk assessments to identify fraud risks and are required to have appropriate measures in place to address these risks. Secondly, the *Commonwealth Fraud Control Policy* binds non-corporate Commonwealth entities and sets out key procedural requirements for fraud training, investigation, response and reporting. Finally, the *Fraud Guidance* provides better practice advice on fraud control arrangements. The Framework is principles-

based and allows the core elements of fraud control (risk assessments, fraud control plans, prevention, detection and investigations) to be managed in a way which best responds to the risk profiles of individual entities. Under the Framework, each entity is responsible for its own fraud control arrangements, including investigating and responding to fraud incidents that are not handled by law enforcement agencies. Each entity is also responsible for its own fraud control arrangements, with oversight provided by the Independent Audit Committees, annual reporting and certification requirements under the PGPA Act, and independent audits conducted by the ANAO. The Framework covers a range of incidents considered to be corruption.

Commonwealth Procurement Rules

The Department of Finance is responsible for the 2014 Commonwealth Procurement Rules (CPRs) which bind non-corporate Commonwealth entities and prescribed corporate Commonwealth entities. The CPRs combine both Australia's international obligations and good practice, and represent the framework under which entities govern and undertake their own procurement. The CPRs enable agencies to design processes that are robust, transparent and instil confidence in government procurement. The CPRs also require that entities subject to the PGPA Act report their procurement contracts on AusTender, the Australian Government's procurement information system.

Protective Security Policy Framework

The Protective Security Policy Framework (PSPF) assists Australian Government agencies to protect their people, information and assets, at home and overseas. The PSPF applies 36 core mandatory requirements to non-corporate Commonwealth entities supported by policy controls, guidance and better practice covering security governance, as well as personnel, physical and information security. Under the PSPF, accountable authorities are responsible to their Minister for creating and maintaining an agency operating environment that:

- safeguards its people and clients from foreseeable risks
- facilitates the appropriate sharing of official information in order for government to effectively do business
- limits the potential for compromise of the confidentiality, integrity and availability of its official information and assets, recognising risks to government such as those associated with aggregation
- protects official assets from loss or misuse, and
- Supports the continued delivery of the agency's essential business in the face of disruptions caused by all types of hazards

The PSPF gives policy effect to security vetting of Australian Government personnel and contractors to the Commonwealth in appropriate circumstances. Security vetting provides a level of assurance against insider threats to government agencies and contributes to the prevention of corruption in government. Most security clearances across the Commonwealth are issued by Australian Government Security Vetting Agency (AGSVA) in the Department of Defence.

Commonwealth Grants Rules and Guidelines

The *Commonwealth Grants Rules and Guidelines* (CGRGs) establish the Australian Government's grants policy framework. The CGRGs contain key legislative and policy requirements, and explain better practice principles of grants administration. Entities can determine their own specific grants administration practices in accordance with the CGRGs. The CGRGs apply to all non-corporate Commonwealth entities subject to the

PGPA Act, and extend to grants administration performed by ministers, accountable authorities, officials and third parties who undertake grants administration on behalf of the Commonwealth.

Statutory review of the PID Act

The Government has appointed Mr Philip Moss AM to lead a statutory review of the effectiveness and operation of the PID Act. This review is an opportunity to gather information and views on whether the Act is operating as intended and whether it could be improved. The review report will be completed by 15 July 2016.

Deferred Prosecution Agreements scheme

In March 2016, the Australian Government released a public consultation paper to explore whether Australia should implement a Deferred Prosecution Agreements (DPA) scheme. Public consultation on this issue forms part of the Australian Government's exploration of options to facilitate a more efficient and effective response to corporate crime by encouraging companies to self-report incidences of corruption and misconduct. Under a DPA scheme, where a company has engaged in a serious corporate crime, prosecutors would have the option to invite the company to negotiate an agreement, in return for which the prosecution would be deferred. The terms of the DPA would typically require the company to cooperate with any investigation, pay a financial penalty and implement a program to improve future compliance. Submissions to this consultation paper are due on 2 May 2016.

Open Government Partnership

The Australian Government is currently finalising its membership of the Open Government Partnership (OGP) by developing Australia's first National Action Plan, due for completion on 1 July 2016. The plan will set out how the Australian Government intends to engage with issues relating to the OGP's vision that more governments become sustainably more transparent, accountable and responsible to their own citizens, with the ultimate goal of improving the quality of governance and services received by citizens.

Royal Commission into Trade Union Governance and Corruption

On 13 March 2014, the Australian Government established the Royal Commission into Trade Union Governance and Corruption to inquire into governance arrangements of entities established by employee associations. The Royal Commission issued its final report on 28 December 2015, which made 79 recommendations for law reform. The Australian Government is currently considering these recommendations.

Attachment A – The role of the Australian Federal Police in the Australian Government’s anti-corruption framework

The AFP has primary law enforcement responsibility for the investigation of serious or complex corruption against the Commonwealth, including the bribery of Commonwealth and foreign public officials. The AFP also has a key role in the areas of corruption prevention, disruption and education. The AFP treats corruption in terms of its relationship to a number of different Commonwealth criminal offences, rather than a distinct, specific offence itself. Through its Fraud and Anti-Corruption Centre (FAC), the AFP also works collaboratively with the public and private sector to promote education about, and the prevention of financial crime. While investigating corruption poses particular challenges that differentiate it from other crime types, the AFP treats corruption investigations with the same priority assessment as all other crime types under its jurisdiction.

The Fraud and Anti-Corruption Centre

The AFP’S Fraud and Anti-corruption Centre (FAC) was established in 2014 to deliver a collaborative Commonwealth, multi-agency approach to the Australian Government’s law enforcement capability and response to fraud and corruption. In addition to AFP investigators, the FAC Centre hosts secondees from the Australian Crime Commission, the Australian Taxation Office, the Australian Securities and Investments Commission, the Australian Transaction Reports and Analysis Centre, the Department of Foreign Affairs and Trade, the Department of Immigration and Border Protection (represented by the Australian Border Force), the Department of Defence and the Department of Human Services. The Attorney-General’s Department and the Commonwealth Director of Public Prosecutions are represented as advisory members.

The FAC Centre is focused on: strengthening law enforcement capability to respond to serious and complex fraud, foreign bribery, corruption by Australian Government employees and complex identity crime; providing a coordinated approach to prioritising the Commonwealth operational response for matters requiring a joint agency approach; and protecting the finances of Australia. The FAC Centre also coordinates the multi-agency Serious Financial Crime Taskforce, which has been established to identify and address serious and complex financial crimes. This multi-agency approach has the capacity to consider a range of responses based on the contributions of all agencies involved. Options may include civil and administrative penalties based on the legislation, regulation and policy of the relevant agencies; up to and including criminal prosecution. The FAC Centre supports change in financial crime behaviour by identifying opportunities and initiatives for policy, regulatory and legislative reform. The Centre works collaboratively with the public and private sector to promote financial crime prevention and education. The FAC Centre may also work with agencies to address underlying systemic weaknesses and promote structural and cultural change to ensure Commonwealth agencies are robust.

The FAC Centre works closely with its state and territory counterparts where corruption matters fall outside Commonwealth jurisdiction, noting these offences may include conduct that is also the subject of state/territory legislation. The FAC Centre also conducts joint investigations with ACLEI in relation to corruption matters within designated Commonwealth law enforcement agencies in the Integrity Commissioner’s jurisdiction. Existing arrangements allow matters to be assessed on a case-by-case basis to ensure an appropriate response and efficient use of shared resources.

International Partnerships

The AFP is an active contributor to, and participant in, international forums relating to anti-corruption, such as the OECD Working Group on Bribery, the International Foreign Bribery Taskforce, the G20 Anti-Corruption Working Group, and the FATF. The AFP also engages on a multilateral and bilateral basis with relevant anti-corruption agencies globally, encouraging a collaborative approach to investigations, education and intelligence-sharing.

Other investigative capabilities

The AFP has the ability to respond to specific allegations of corruption within a specific context. For example, in 2015, the AFP contributed its investigative capabilities to the Royal Commission into Trade Union Governance and Corruption and in 2016 to the subsequent Police Trade Union Taskforce. The AFP continues to work closely with its state and territory partners under these arrangements, noting that the majority of offences identified over the course of these enquiries are state/territory offences.

The interaction between the AFP and its counterparts in state and territory law enforcement agencies extends to collaborating on the development of innovative approaches to the prevention and detection of corruption, and to promote ways of improving integrity compliance. In early 2016, the AFP undertook an analysis of integrity frameworks in comparable domestic and international police jurisdictions. Preliminary findings indicate the existing AFP framework compares favourably and is functioning effectively.

In particular, the AFP has a strong focus on the prevention aspects of integrity assurance, through ongoing education and awareness programs across the organisation. Preliminary feedback from the 2016 analysis shows that the AFP is perceived by other agencies as having high level expertise in the prevention space. This is backed up by a demonstrated demand, including enquiries from overseas jurisdictions, for places on the AFP-developed Inter-Agency Integrity Program delivered by the AFP's Professional Standards Unit (PRS). A key element of the AFP's prevention strategy is to ensure that integrity awareness is an ongoing aspect of employee development. It is included during recruit training, prior to overseas deployment and within AFP leadership and training modules. This helps to reinforce ethical decision making and employee integrity obligations across the AFP as a whole.

Internal anti-corruption processes

The AFP adheres to an Integrity Framework (the Framework) that was implemented in 2007 as the result of recommendations from the Fisher Review. The Framework incorporates elements focused on prevention, detection and investigation of AFP Code of Conduct breaches, complaints and corruption matters. A continuous learning policy is applied from complaint adjudication outcomes and relevant material about appropriate conduct is made available across the AFP via a range of organisational strategies and platforms.

AFP Professional Standards is responsible for the administration and application of the Framework and associated National Guidelines and Policies. The AFP focus on effective prevention measures to increase AFP employee awareness of their responsibilities, reporting obligations and detection strategies, including mandatory drug testing have been recognised by integrity partners such as Australian Commission for Law Enforcement Integrity (ACLEI).

The AFP employs a Managerial Model for less serious matters, which are reconciled in the relevant workplace. Any serious misconduct or corruption matters require full investigation by PRS and/or ACLEI. The Commonwealth Ombudsman provides independent oversight of the AFP in relation to application of procedural fairness, investigation standards and assurance to government about integrity activities conducted by the AFP. Recent reviews, investigations and reports by the Commonwealth Ombudsman indicate the AFP continues to meet required standards. The AFP is a member of the ACLEI Community of Practice for Corruption Prevention which promotes anti-corruption strategies and knowledge sharing, and the AFP also engages with police Professional Standards counterparts through the Australian New Zealand Policing Advisory Agency (ANZPAA).

The AFP is currently reviewing the Integrity Framework, to ensure currency in the evolving policing context. As a key stakeholder in the AFP integrity and anti-corruption policy, the AFP has consulted ACLEI as part of the review process.

The AFP is subject to other legislative instruments including the *Public Interest Disclosure Act 2013 (Cth)* and the *Public Governance, Performance & Accountability Act 2013 (Cth)*. These instruments offer additional protections for 'whistle blowers' and provides for the prosecution of matters relating to corruption involving fraud or inappropriate use of public resources.

Legislative framework

Under Part V of the *Australian Federal Police Act 1979 (Cth)*, the AFP possesses a number of coercive powers. These powers – which may only be used in relation to AFP Appointees – are instrumental in revealing general misconduct and/or corruption-related matters. These powers are effective as they provide AFP investigators an opportunity to obtain all information relevant to an employee or incident, and support the identification and mitigation of integrity risks.