

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2014 - 2015

Shared Services

Department of Employment Question No. EMSQ15-000060

Senator Cameron asked on 10 April 2015 on proof Hansard page 6

Question

Investigations Branch Staff Numbers, Qualifications and Number of Investigations

Ms Leon: We have to do the initial investigation of any of the suspect claims so that we can form a view as to whether it is likely to reach a standard that is capable of being referred to the DPP. As with any Commonwealth program, there is an internal process of assessment and investigation first. We do not involve the AFP every time there is a potentially suspect claim. Ultimately the question of whether the material that we have found is likely to satisfy a court that there has been fraud that reaches the criminal standard of proof will be a matter for the DPP to assess and then decide whether they take the matter to prosecution. But it is the work of our own investigators first to gather as much evidence as possible so that we can identify whether, for example, there is evidence that the company knew about, supported, instructed or was involved in whatever the claiming practice has been.

Senator CAMERON: Who does this? Who carries this out?

Ms Leon: Officers of the department.

Senator CAMERON: What are their qualifications?

Mr Hehir: Once we get to an area where we believe there is a reason for a significant investigation, we have our investigations branch undertake the investigation. That branch is headed up by a lawyer and it also has a number of ex-police within its employee. They are trained investigators.

Senator CAMERON: It is not a beat constable, is it? What are their qualifications? That is what I am asking for. Just tell me this: how many are in the investigation branch?

Ms Leon: We may have to take the exact numbers on notice. It is in the vicinity of 23. I could not swear to the exact number. The investigations branch is part of the shared service centre. The shared service centre provides services to both the Department of Employment and the Department of Education and Training as well as a number of portfolio agencies and other agencies. But it was originally the investigations branch of the former Department of Education, Employment and Workplace Relations. It is now part of the shared service centre that the two partner departments established.

Senator CAMERON: Did you have at one stage your own specific investigations branch?

Ms Leon: The department used to be a combined department and it had its own investigations branch. When the departments were separated out, rather than having two small investigative branches we formed a view that it would mean better preservation of the capability to keep the investigations branch as a single unit and as part of a shared service centre that serves both departments.

Senator CAMERON: Can you provide on notice the details of the employees in the investigations branch, including their qualifications.

Ms Leon: Yes, we can do that. We will not provide individual identifiers, but we will provide—

Senator CAMERON: Of course. I am not asking for that.

Ms Leon: generic information about their qualifications.

Senator CAMERON: That would be handy. Are you responsible for the shared investigations branch? You have the responsibility for it, haven't you?

Ms Leon: The shared service centre provides services to both Education and Employment,

but as secretary of the department I have responsibility for the integrity of the program irrespective of whether I use in-house investigators or I outsource an investigation.

Senator CAMERON: Could you then provide details on how many investigations that branch has undertaken internally over that period of time that you have indicated from 2006. Can you have a another look at that and provide details on that.

Ms Leon: We will provide what we can.

Answer

As at 23 April 2015, the Investigations Branch had 21 staff members. The employees have and maintain the requisite Commonwealth qualifications specified in the *Commonwealth Fraud Control Policy 2014*.

See **Attachment A** for details of the qualifications held by the Investigations Branch staff.

Since 2006, the Investigations Branch has commenced 115 investigations.

Of these, 40 progressed to the Commonwealth Director of Public Prosecutions (CDPP) for consideration of prosecution. Following a thorough investigation (in accordance with the Australian Government Investigation Standards), the remainder were unable to be referred to the CDPP as they did not meet the requirements of *The Prosecution Policy of the Commonwealth*.