

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES – 26 – 27 MAY 2014**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(BE14/197) PROGRAMME – Australian Customs and Border Protection Service**

Senator Carr (Written) asked:

Response to QoN AE14/166 stated no declarations had been made under the ACBPS CEO's new power that an officer's employment should be terminated as a result of serious misconduct. However response to QoN AE14/169 states the CEO issued two orders on 15 February 2013 relating to the mandatory reporting of serious misconduct, corrupt conduct and criminal activity by Officers.

a. Is the issuing of an order by the CEO different to the issuing of a Declaration? Please explain the difference.

*Answer:*

Yes.

On 15 February 2013 the *Law Enforcement Integrity Legislation Amendment Act 2012* gave the Chief Executive Officer (CEO) the power to make Orders. On the same day, the CEO issued CEO Order 1 of 2013 on *Professional Standards* and CEO Order 2 of 2013 on *Mandatory Reporting of Serious Misconduct, Corrupt Conduct and Criminal Activity Involving Customs Workers*.

Under the same Act, and in addition to the power to make Orders, the CEO was granted a power to make a declaration of serious misconduct once an employee's employment has been terminated. As at 31 May 2014 the CEO has not used this power.