



**Australian Government**  
**Australian Customs and**  
**Border Protection Service**

Chief Executive Officer

**Customs House**  
5 Constitution Avenue  
Canberra City ACT 2601  
Phone: 02 6275 6800  
Email: [ESU@customs.gov.au](mailto:ESU@customs.gov.au)

Senator the Hon Ian Macdonald  
Chair  
Senate Standing Committee on Legal and Constitutional Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Senator

**Correction to Evidence**

I am writing to you as the Chair of the Senate Standing Committee on Legal and Constitutional Affairs (the Committee) to clarify a factual error contained in my Senate Estimates opening statements and inaccurate information in answering a Question on Notice (QoN).

At hearings held on February and 26 May 2014 (Additional and Budget Estimates, respectively), I provided updates on integrity and professional standards. I advised the Committee about prosecution action against Australian Customs and Border Protection Service (ACBPS) officers who are, or have been, the subject of anti-corruption operations. Specifically, I made the following two statements:

- *Another former officer remains remanded in custody after pleading guilty to a variety of charges earlier this month, including inciting the crime of robbery, receiving a bribe and perverting the course of justice.*  
(Official Committee Hansard, Tuesday, 25 February 2014, page 40).
- *Another former officer remains remanded in custody after pleading guilty to a variety of charges in February 2014, including inciting the crime of robbery, receiving a bribe and perverting the course of justice.*  
(Official Committee Hansard, Monday, 26 May 2014, page 75)

Contrary to my statements, the former ACBPS officer was not charged with perverting the course of justice. Also, the charge of inciting the crime of robbery was substituted with an abuse of public office charge.

I regret that I inadvertently misled the Committee in relation to this matter. The inconsistency in information resulted from differences between what the former

ACBPS officer was charged with, the charges to which he pleaded guilty and the charges that the Australian Federal Police (AFP) had been considering during their investigation. A review of this situation by my officers revealed that the ACBPS was not aware of these differences at the time I made my statements. We have implemented measures to avoid this happening again, and my future statements will be more exhaustively checked with the AFP which is the lead agency with respect to the laying of relevant charges.

I am therefore seeking to correct the record to reflect the fact that the former ACBPS officer pleaded guilty to a variety of charges including an abuse of public office charge. I will, with your leave, more generally correct the record in my next statement.

I have also been advised that there is an error in the response to Question on Notice 170 from Additional Estimates and I regret the fact that we inadvertently misled the Committee. The response identified 559 officers that had sought approval for secondary employment. The correct number should be 113 officers.

The Question on Notice 170 from Additional Estimates was misinterpreted by the Service. The response of 559 included the total number of **applications** for paid secondary employment, unpaid volunteering and multiple applications submitted by an officer as opposed to the total number of **officers**, who applied for paid secondary employment.

The revised figure of 113 refers to the number of officers only who have applied for paid secondary employment.

At the Budget Estimates Hearing, Mr Roman Quaedvlieg, Deputy Chief Executive Officer (Border Enforcement) quoted this figure in good faith on the basis of the lodged response to QoN170. Whilst I understand that Hansard cannot be amended, ACBPS will provide an updated figure to Senator Singh as part of the Budget Estimates QoN process. I would appreciate if you can advise Senator Singh accordingly.

Yours sincerely

**Michael Pezzullo**  
Chief Executive Officer

25 July 2014

Cc: The Hon. Scott Morrison MP, Minister for Immigration and Border Protection  
Mr Martin Bowles, Secretary, Department of Immigration and Border Protection