

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(SE16/108) - ACLEI Investigations - Internal Product (DIBP)**

Senator Carr, Kim (L&CA) written:

In relation to investigations by the Australian Commission for Law Enforcement Integrity (ACLEI) How many investigations were referred to ACLEI in 15/16? Please provide an annual breakdown for the five years previous.

For the 15/16 year, please answer the following:

Can you provide a breakdown of the number of investigations that are (a) ongoing (b) resolved?

Can you provide an overview of the issues being investigated?

Can you provide an average time each matter is investigated for?

How many of these cases were referred to ACLEI by DIBP?

Do/did all staff under investigation hold security clearances?

What is the longest investigation undertaken?

*Answer:*

*How many investigations were referred to ACLEI in 15/16?*

From 1 July 2015, the Department came under the jurisdiction of ACLEI. Prior to this time, only the Australian Customs and Border Protection Service (ACBPS) was under ACLEI's jurisdiction.

Between 1 July 2015 and 30 June 2016, the Department notified the Australian Commission for Law Enforcement Integrity (ACLEI) of 132 corruption matters.

*Please provide an annual breakdown for the five years previous*

- Between 1 July 2014 and 30 June 2015, ACBPS notified ACLEI of 36 corruption matters.
- Between 1 July 2013 and 30 June 2014, ACBPS notified ACLEI of 30 corruption matters.
- Between 1 July 2012 and 30 June 2013, ACBPS notified ACLEI of 27 corruption matters.
- Between 1 July 2011 and 30 June 2012, ACBPS notified ACLEI of 31 corruption matters.
- Between 1 July 2010 and 30 June 2011, ACBPS notified ACLEI of 20 corruption matters.

*For the 15/16 year, please answer the following:*

*Can you provide a breakdown of the number of investigations that are (a) ongoing (b) resolved?*

Between 1 July 2015 and 30 June 2016, the Department notified ACLEI of 132 corruption matters.

(a) 37 of these matters are considered ongoing.

(b) 95 of these matters are considered resolved/closed.

*Can you provide an overview of the issues being investigated?*

The Department investigates allegations of misconduct and corruption against departmental employees that have been returned by ACLEI after initial notification. These matters are generally not serious corruption or systemic misconduct issues and range from breaches of the APS Code of Conduct, through to serious fraud related criminal offences. The Department also jointly investigates allegations of serious corruption and systemic issues in support of ACLEI and the AFP investigations. Matters being investigated by ACLEI cannot be reported on as DIBP is not aware of the status or details relating to these cases.

*Can you provide an average time each matter is investigated for?*

The average length of time a matter is investigated is not captured or easily calculated as there are a number of internal and external factors that influence an investigation. In addition, each investigation is prioritized, based on its risk to the Department and the timeliness of collecting relevant evidence, in order to meet the respective burden of proof. Criminal investigations are often determined by outside agencies and can, in some cases, take several years to complete.

*How many of these cases were referred to ACLEI by DIBP?*

Between 1 July 2015 and 30 June 2016, the Department notified 132 corruption issues to ACLEI.

*Do/did all staff under investigation hold security clearances?*

Of the 26 corruption issues being investigation by the Department and the three matters being assessed by ACLEI, a Person of Interest (POI) has not been identified for ten of them. The remaining 19 investigations have identified 26 POIs, and of these:

- 12 hold a current security clearance
- 10 do not hold a security clearance
- Four have left the Department
  - Two held a security clearance
  - Two did not hold a security clearance<sup>1</sup>.

There may be other POI's currently under ACLEI investigation whose clearance status is unknown. ACLEI may not always provide this type of detail to the Department, as some ACLEI investigations are conducted independently of the Department, for security purposes.

*What is the longest investigation undertaken?*

ACLEI would be best placed to answer this question as the Department provides ACLEI with a final report on all possible corruption issues referred to the Department for investigation; however, the Department is not across investigations conducted by ACLEI.

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<sup>1</sup> The 12 POI's identified as not having a security clearance were not required to hold one as they were either employees of external service providers or they fell outside of the scope of the Department's security clearance requirements.