

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE16/127) - ANAO Report - Internal Product (DIBP)

Senator Carr, Kim (L&CA) written:

In relation to the ANAO report:

How long did the ANAO take to conduct the audit?

When did DIBP receive the report?

How many DIBP staff were involved in the preparation and response to the ANAO audit?

When did you first alert the Minister or his office to the ANAO investigation?

Did you send copies of documents provided to the ANAO to the Minister or his office?

How many staff are required to annually submit conflict of interest declarations and how many submitted them in 15/16?

How many are currently outstanding for this financial year?

How many conflict of interest declarations were received from DIBP staff? Please provide numbers for the last 5 years.

How many staff members were assessed as having a real conflict of interest?

What were the nature of those conflicts, how were they investigated and has any action been taken against staff?

Was DIBP aware that officers were creating files to justify decisions made following completion of the RFT process (open tender process) and were staff directed to create files at any stage?

Did any SES level officers direct staff to create these documents?

Did any senior staff in DIBP create the documents themselves?

What types of investigations are underway into the behaviour of staff?

What type of files were created following the commencement of the investigation by the ANAO? Please list the file names.

Answer:

How long did the ANAO take to conduct the audit?

547 days - based on time elapsed between the date of the initial letter to the Secretary announcing the audit will take place (16 March 2015) to the date the report was tabled in Parliament (13 September 2016).

When did DIBP receive the report?

DIBP received an embargoed copy of the final report on 8 September 2016.

How many DIBP staff were involved in the preparation and response to the ANAO audit?

There were 15 SES officers involved in the preparation and response to the audit.

When did you first alert the Minister or his office to the ANAO investigation?

A Ministerial Submission was sent on 2 September 2016, summarising the findings and issues raised in the ANAO report and the Department's formal response.

Did you send copies of documents provided to the ANAO to the Minister or his office?

A copy of the Department's formal response to the ANAO report was provided in a Ministerial Submission sent on 2 September 2016. No other documents were provided to the Minister or his office.

How many staff are required to annually submit conflict of interest declarations and how many submitted them in 2015–16?

All senior executive service (SES) employees and long-term acting SES employees are subject to a specific policy outlined in the "APS Values and Code of Conduct in Practice" that requires submission, at least annually, of a written declaration of their personal interests, that could involve a real or apparent conflict of interest. In accordance with this requirement, all DIBP SES annually submit a Declaration of Financial and other Personal Interests.

How many are currently outstanding for this financial year?

There are no outstanding Declarations.

How many conflict of interest declarations were received from DIBP staff? Please provide numbers for the last 5 years.

Due the wide variety and circumstances that may lead to a real or perceived conflict of interest, departmental policy does not require every form of conflict of interest to be reported to a central repository, but are often reported unofficially or semi-officially locally. This may take the form of a response in the employment suitability clearance process, a conversation with an immediate supervisor, or an email to the responsible officer of a specific activity (eg recruitment) as the conflict either may not relate to the person's current duties and/or are only relevant for a short period of time while the specific activity is being undertaken.

In addition data management systems, recording and reporting parameters have changed since the integration between the Department and the Australian Customs and Border Protection Service on 1 July 2015. As such, the data held on current systems are not directly comparable to information recorded prior to that date.

Noting these caveats, and apart from the annual declarations provided by SES officers, the number of formal declarations of a conflict of interest made to the Integrity & Professional Standards Branch between 1 July 2015 and 31 October 2016 was 98.

How many staff members were assessed as having a real conflict of interest?

Declarations are not assessed as to whether the conflict of interests are "real", but rather whether the declared conflict of interest may have an adverse impact (perceived, real or potential) on the integrity of the individual, work area, Department, Australian Public Service and/or Government.

What were the nature of those conflicts, how were they investigated and has any action been taken against staff?

The nature of conflicts of interest can widely vary and declared conflict of interests are not subject to a sanction or other punitive action “taken against staff”. Furthermore, conflict of interest principles include perceived or potential conflict of interest where either a reasonable person perceives there may be a conflict of interest (irrespective of whether there is an actual conflict) or where circumstances may evolve into putting an officer in conflict with their personal interests.

Declared conflicts of interest are managed through a planned “aftercare” process by the officer’s immediate supervisor with advice and assistance from the Integrity & Professional Standards Branch, if required.

Specific management strategies will depend on the circumstances but primarily revolve around ensuring that the officer is not involved with or influencing decisions that may lead to a benefit to the relevant officer. This may include redeploying the officer to duties where the conflict of interest does not relate to the officer’s day to day business.

Was DIBP aware that officers were creating files to justify decisions made following completion of the RFT process (open tender process) and were staff directed to create files at any stage?

Did any SES level officers direct staff to create these documents?

Did any senior staff in DIBP create the documents themselves?

What types of investigations are underway into the behaviour of staff?

What type of files were created following the commencement of the investigation by the ANAO? Please list the file names.

The details contained in the ANAO report are currently being assessed to determine if any individual has breached the Australian Public Service (APS) Code of Conduct. As such, it is too early to ascertain actual breaches of the APS Code of Conduct or to determine the identity of involved individuals.