

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Question No. 109**

**Senator Humphries asked the following question at the hearing on 12 February 2013:**

1. Have there been any instances where an employee of the department/agency has failed to disclose a possible conflict of interest?
2. Have there been any instances where an employee of the department/agency has refused to sign or complete a conflict of interest disclosure form or similar document?

**The answer to the honourable senator's question is as follows:**

The Australian Government Solicitor (AGS) is a government business enterprise operating on a commercial and competitive basis in providing legal and related services to government and its agencies. AGS does not receive any Budget or other appropriations and its employees are engaged outside of the *Public Service Act 1999*. The question is therefore not applicable to AGS.

	<b>Question 1</b>	<b>Question 2</b>
Administrative Appeals Tribunal	No	No
Attorney-General's Department	The Department is unaware of any instances where an employee has failed to disclose a possible conflict of interest.	No
AUSTRAC	No	No
Australian Commission for Law Enforcement Integrity	No instances are known	No
Australian Crime Commission	Yes. <ul style="list-style-type: none"> <li>• One case in 2009–10.</li> <li>• One case in 2011–12.</li> </ul>	No
Australian Customs and Border Protection Service	Customs and Border Protection is not aware of any employees failing to disclose a possible conflict of interest during the current financial year to 31 January 2013.	Customs and Border Protection is not aware of any instances where an employee has refused to sign or complete a conflict of interest disclosure form or similar document during the current financial year to 31 January 2013.
Australian Federal Police	Instances of conflict of interest were identified in the	

	<p>Commonwealth Ombudsman's annual review into the AFP's administration of Part V of the <i>Australian Federal Police Act 1979</i> published in November 2012.</p> <p>In that review, the Ombudsman identified five cases in which a conflict of interest or potential conflict of interest was present in the investigation of a complaint.</p> <p>It was consequently recommended that efforts be undertaken to ensure all AFP staff understand the importance of ensuring conflicts of interest, or potential or perceived conflicts of interest, in the investigation of complaints are properly identified and managed.</p> <p>In response to that recommendation the AFP has taken steps to ensure the importance of managing conflicts of interest in terms of complaint investigations is the subject of constant review, education and improvement.</p> <p>To improve understanding within the broader workforce, on 23 July 2012 the National Guideline on Conflicts of Interest was revised to provide guidance on the identification of actual, perceived and potential conflicts of interest at all levels including personal, operational and organisational.</p>	No
Australian Human Rights Commission	No	No
Australian Institute of Criminology	No	No
Australian Law Reform Commission	No. The Australian law Reform Commission has had no instances where an employee of the ALRC has failed to disclose a possible conflict of interest.	No. The Australian law Reform Commission has had no instances where an employee of the ALRC has refused to sign or complete a conflict of interest disclosure form or similar

		document.
Australian Security Intelligence Organisation	ASIO manages possible conflicts of interest during the initial vetting process, through periodic vetting review and through obligations on staff to report possible conflicts of interest as a condition of continuing to hold a security clearance.	No
CrimTrac	CrimTrac is not aware of any employees who have failed to disclose a possible conflict of interest. However, employees are regularly reminded of the requirement to disclose any potential conflicts of interest.	CrimTrac is not aware of any employees who have refused to sign or complete a conflict of interest disclosure form.
Family Court	None identified.	No
Federal Court	There have not been any instances where an employee of the Federal Court of Australia has failed to disclose a possible conflict of interest.	There have not been any instances where an employee of the Federal Court of Australia has refused to sign or complete a conflict of interest disclosure form or similar document.
Federal Magistrates Court	None identified.	No
High Court of Australia	Yes there has been one allegation in this financial year that the Court is aware of. This matter has been referred to the Australian Federal Police.	No
Insolvency and Trustee Service Australia	No	No
National Native Title Tribunal	In November 2012 allegations about conflicts of interest affecting a former employee of the National Native Title Tribunal were made in the print media. In December 2012, the President and the Registrar of the National Native Title Tribunal appointed an independent consultant to conduct a Review of	No. In December 2012, the National Native Title Tribunal required all APS employees to complete a conflict of interest declaration (Declaration). No APS employee refused to make a Declaration. All National Native Title Tribunal statutory holders and SES employees also made relevant

	<p>Conflict of Interest Arrangements within the Tribunal and Related Matters. The events giving rise to the media allegations were also the subject of Senator Rachel Siewert's Question on Notice 2631.</p> <p>On 26 February 2013 Senator Ludwig's response to Question on Notice 2631 was published in Hansard. On 27 February 2013 Senator Ludwig's response was also published online at the Parliament of Australia homepage.</p>	Declarations.
Office of the Australian Information Commission	No	No
Office of the Director of Public Prosecutions	No, not that the CDPP is aware of.	No
Office of Parliamentary Counsel	No	No