

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 1

Senator Humphries asked the following question at the hearing on 29 May 2013:

Senator HUMPHRIES: You made reference [in your opening statement] to the new powers conferred on the Customs Service. These include integrity testing, power to make a declaration, an officer's employment has been terminated as a result of serious misconduct et cetera.

...

Senator HUMPHRIES: Have there been any instances of mandatory reporting of serious misconduct, corrupt or criminal activity since that requirement existed?

Mr Pezzullo: Yes.

Senator HUMPHRIES: How many such cases?

Mr Pezzullo: I will take the exact number of reports on notice. Some of them—I know because the reports come to me regularly—were what I would call retrospective mandatory reporting, which is to say, 'The following officers have been charged. They have appeared in court, so they are known entities. And I had a relationship with that officer—we joined together and we went to a party with them once.' So there is that sort of level of reporting. That is triaged and examined and in some cases it leads to further inquiries. In other cases it might be, 'Okay, thank you for reporting it.' So the volume of the reports has to be discounted for what sort of actionable leads emerge from the report. I think I would prefer to come back to you on both of those.

Senator HUMPHRIES: It would be interesting to know what reporting has occurred of allegations about people not already in the criminal justice system.

Mr Pezzullo: All right. We will refine the data down to that.

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

(a) Have there been any instances of mandatory reporting of serious misconduct, corrupt or criminal activity since that requirement existed ?

The nature of reporting to the Integrity and Professional Standards Branch of the Australian Customs and Border Protection Service (ACBPS) does not lend itself readily to the identification of whether the report was provided in accordance with mandatory reporting or not.

Since commencement of mandatory reporting on 15 February 2013, until 19 June 2013, 239 reports have been received by the Integrity and Professional Standards Branch. Of those, 38 have been assessed as relating to serious misconduct, corrupt or criminal activity, 12 of which warranted referral to ACLEI. The breakdown of these is as follows:

- ACLEI referrals – 12
- Reports assessed by ACBPS and now closed – Found to be unsubstantiated – 7
- Reports assessed by ACBPS and now closed – Referred for review of organisational suitability – 2
- Reports assessed by ACBPS and now closed – Held for information or intelligence value - 6
- Active ACBPS assessments or investigations - 11

(b) How many such cases?

To date none of these reports has resulted in criminal charges being laid against employees not already in the criminal justice system.