Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity

Inquiry into the integrity of overseas Commonwealth law enforcement operations

Outstanding Questions on Notice from 23 March 2012 Public Hearing

No.	Agency	Question	Receipt Date
1	ACBPS	**Pages 19 & 20 of Proof Hansard** **Senator PARRY:**. I will just move to officers overseas and when they return from deployment. How long are they overseas for, and what sort of debriefing or risk assessment is undertaken by returning officers? **Mr Pezzullo:** In relation to returning officers? **Senator PARRY:** Yes, in relation to corruption or potential corruption risks. The vulnerability is that they are exposed to a variety of different sources of organised crime. **Mr Pezzullo:** We employ an intelligence led process. We would anticipate, should matters have arisen through the course of their posting—and, indeed, there is a matter that is referenced in our submission that would be of interest to the committee—that those specific tactical occurrences would already be known to us. As part of their return more generally, not just in relation to corruption risk, integrity or fraud matters, officers move about the agency to debrief on the things that they achieved, on the lessons that they learnt and on what could be done better, or differently, to achieve the operational and strategic outcomes of the agency. I will need to take the detail of it on notice, perhaps, but I would expect that any particular learnings or instances that might not have triggered a specific intelligence trigger during the time of their posting and the sort of treatment that would then potentially result in a criminal prosecution—as has occurred in the case of one of our officers who went overseas in the two financial years that we have mentioned in our submission—would be raised when they move to debriefing with our Integrity and Professional Standards Unit, which works with Mr Groves. Short of that threshold, I would expect that our officers in their discussions with the integrity and professional standards would draw our attention to any longer term lessons learnt that had not met that sort of threshold of intensity but are still worth recording and capturing. **Senator PARRY:** Do you regard as 'high risk' the exposure of officers overseas in becoming a trusted insider? **Mr Pezzullo:** It is variable. In the one case that has come to our attention, I have to say that it is gratifying that the officer reacted in accordance with both his personal sense of ethics and values and his training. He referred the matter back to headquarters. An operation was run. And as you may be aware from some media reporting in September of last year, that matter will go before the relevant criminal court in the state of New South Wales in, if not April, I think it might be May. That has resulted in quite a significant seizure of goods and assets and the Commonwealth hopes it will also result in a successful prosecution of two persons in particular. **Senator PARRY:** What is the rotation period for someone being deployed overseas? Is there a maximum tenure? **Mr Pezzullo:** There is no hard tenure because on occasions business requirements will require a degree of flexibility. In the case of our counsellors, first secretaries and the like, it tends to be in the two- to three-year range. It is unlikely to be shorter than two and, by exception, it might go longer than three; but it would be a	

		matter for the executive to consult both amongst itself and with the officer concerned. There might be some business or operational requirements—such as the lack of a suitable replacement who can deploy exactly at that three-year period—for an extension. So it would rarely be the case that someone might go over three years. It would be unusual and it would be done by explicit decision. **Senator PARRY:** Do you have an investigation team that is purely looking at overseas investigations for corrupt activity? **Mr Pezzullo:** No, unlike some of our counterparts—and I heard the exchange with officers from DIAC a little... On the transcript you will read Senator Parry indicating in commencing his questioning that he had limited time, and I do not think it can be assumed that he was 'happy with the answer'. Senator Parry's questions either side of Mr Pezzullo's response beginning 'we employ an intelligence led process' indicate that he was interested in the vulnerability to /risk of corruption in relation to staff returning from overseas. Mr Pezzullo's answer refers to returning officers giving debriefings to various areas on what they 'learnt and what could be done better', including the Professional Standards Unit, but he offers to provide more detail on notice. I suggest that that further detail is still required, particularly as it relates to how the debriefing process addresses any risk that the returning officer him or herself may now present. **The answer to the honourable senator's question is as follows:** The Australian Customs and Border Protection Service (Customs and Border Protection) do not have a formal face to face debriefing process for officers returning from overseas. Nevertheless, for those staff members who have been briefed into various compartments, there are mandatory requirements for briefing and debriefing sessions, through our Integrity and Professional Standards Branch. Returning officers are generally required to prepare a Posting Report on their overseas experience and provide feedback to relevant line areas on issues of mutual interest with the overseas administrations (eg: lessons learnt and what could be done better) but most issues, including issues regarding bribery and corruption would, in the normal course of events, be addressed whilst the officer remains in country. Whilst officers may be exposed to a variety of risks whilst deployed overseas, Customs and Border Protection does not have any information or intelligence to indicate that it's returned officers present an increased risk to operations or are otherwise more susceptible to corruption.	
2	**ACPBS**	**Page 21 of Proof Hansard** **Mr SIMPKINS:** With regard to the Solomon Islands, there have been problems in the past between the Solomon	

		Islands government and Australian advisers, I guess you would say. Have there been any issues in the Solomon Islands—any problems with the government? **Mr Pezzullo:** No, sir. The international function has been under my supervision for two years, so I will speak directly to that period and I will take any earlier instances on notice. In the two years that I have been covering the international portfolio within our organisation, I am not aware of any concerns expressed by either the government of the Solomon Islands as a whole or any specific agency, and certainly not the customs administration of the Solomons. **Mr SIMPKINS:** Have your advisers in the Solomon Islands been happy with progress? **Mr Pezzullo:** They have certainly worked hard in what is sometimes a challenging environment to deliver the kinds of capacity gains that we are attempting, with the government of the Solomon Islands, to achieve there. Obviously, working in a line position is somewhat different from working in a liaison or representative role. It really is about assisting them to manage day-to-day affairs, to undertake and execute those daily management responsibilities, and, in doing so, to model the kind of management behaviour that hopefully, through skills transference and just observed behaviour, will lead to the kind of raising of capacity and standards that the Solomon Islands government itself is seeking. In his question, Mr Simpkins noted problems in the past with Australian advisers in the Solomon Islands, and asked Mr Pezzullo if there had been any 'problems with the government'. Mr Pezzullo answered with reference to the previous two years during which he had directly supervised the relevant area, and offered to take any 'earlier instances' on notice. Although Mr Simpkins did not nominate a specific period, in the context of the questioning of Mr Pezzullo which related to corruption risks and staff who were or had been deployed overseas, and particularly given Mr Pezzulo's offer, please advise any issues of which the agency is aware in relation to corruption and Customs staffing of operations in the Solomon Islands. The period during which Customs has contribution staff under Operation Ramsi might be a useful guide. **The answer to the honourable senator's question is as follows:** Customs and Border Protection has not received any allegations, information or suggestions of criminal or administrative concerns regarding either of the two officers currently deployed to the Solomon Islands. We also note that Customs and Border Protection's participation in capacity building in the Solomon Islands is conducted under our own New Policy Proposal (NPP) - Customs Modernisation Program (CMP), which is aligned to RAMSI but not part of it. Customs and Border Protection has no information to suggest there have been any corrupt practices by Customs and Border Protection staff whilst deployed to the Solomon Islands since the CMP program began in 2005.	