

Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity

Inquiry into the integrity of overseas Commonwealth law enforcement operations

Questions on Notice from 11 May 2012 Public Hearing – Deadline for return 28 May 2012

Office of the Commonwealth Ombudsman

No.	Agency	Question	Receipt Date
1	Ombudsman	<p data-bbox="477 555 817 587">Page 20 of Proof Hansard</p> <p data-bbox="477 635 1765 842">Mr HAYES: I suppose that in terms of the AFP it is reasonably straightforward except for the fact that their integrity and corruption regime applies to everyone employed. Regardless of whether they are a sworn police officer or an administrative officer on the first day of work, they have the same standard applied throughout all people employed under the Federal Police Act. I am just wondering: is there utility in looking at standardising across those areas, particularly internationally, which are working with a fair degree of latitude within Australian government standards on integrity and corruption regimes?</p> <p data-bbox="477 850 1393 882">Ms Larkins: I think that it makes sense from our observation in other areas.</p> <p data-bbox="477 890 1751 1058">Ms Merryfull: Officers who are placed overseas, if they are Australian government employees, are bound by the APS code of conduct, which is a consistent code of conduct, and the AFP has its own code of conduct. You could not really have those mixed up and joined because they are two quite separate things. Then there are locally engaged staff, who I presume that have their own rules. So you can see that already, with only three different regimes, there are opportunities for misunderstandings or difficulties.</p> <p data-bbox="477 1066 1659 1129">CHAIR: Following on from Mr Hayes's question and your answer, are you able to nominate which agencies you think have a more mature understanding of the risks from overseas operations?</p> <p data-bbox="477 1137 1547 1169">Ms Larkins: I probably skate a bit over the surface. Do you have a comment from your—</p> <p data-bbox="477 1177 1751 1313">Ms Merryfull: Because we have had very few dealings with other agencies in respect of their overseas operations, I really do not want to surmise what their understanding is of risk. I think that the AFP and the ACC both have a good understanding of the risks, but that is only because they—and particularly the AFP—are the ones that we engage with in that space.</p> <p data-bbox="477 1321 1751 1377">Ms Larkins: Why don't we take it on notice; I just want to make sure that we are not talking off the top of our head without giving sufficient evidence.</p>	

		<p>CHAIR: At the same time as you are doing that, could you also indicate whether you have views on certain agencies that could do a bit more work in this area? And</p> <p>Page 21 of Proof Hansard</p> <p>Senator PARRY: Of the agencies listed in the terms of reference for this inquiry, you have direct oversight of the AFP and the ACC, and the others are just when complaints are referred to the Commonwealth ombudsman for some form of resolution. Is that correct?</p> <p>Ms Larkins: Yes, and two of those agencies are in our top eight complaint agencies—ATO and DIAC are very big customers of ours!</p> <p>Senator PARRY: That is a nice, friendly term!</p> <p>Ms Larkins: But we are also quite familiar with AQIS. We have had an oversight role in relation to some of their activities and those of Customs.</p> <p>Senator PARRY: Following up from the chair's request, which you have taken on notice, they are the key agencies that we would be interested in—the ones listed—as to how you perceive their performance and their capabilities[in relation to managing overseas risk]. That is all I can really ask if you have no further knowledge or comment on those areas.</p>	
2	Ombudsman	<p>Page 21 of Proof Hansard</p> <p>Senator PARRY: You have indicated that there is a limited knowledge of overseas agencies apart from the AFP and limited numbers there. What we are trying to find that is what the risks are: what the potential risk is for corruption and the management of corruption overseas. Have you formed any views by your analysis and observations and investigations with agencies as to what the risks are? What are the types of activity that would pose a stronger risk and those that would probably have a weaker risk?</p> <p>Ms Larkins: We would probably make three points, and again these are from broad observations; I think you have an understanding that our complaint base is not large. There are issues to do with lack of infrastructure that stops appropriate reporting—it concerns us when people do not have easy access to report or complain about particular issues—and there are issues to do with isolation of employees from their family and from the wider government's framework, depending on length of posting and where people are posted.</p> <p>Senator PARRY: They are more structural things; what about type of activity? Can you make any comments? For example, is there a stronger risk of transmission of sensitive material to unauthorised people? Is it fraudulent behaviour? Is it bribery? Have you formed any view or do you have any knowledge?</p> <p>Ms Larkins: Again, I would like to come back to you with a bit more detail.</p>	

Response to Committee

Q1. Are you able to nominate which agencies you think have a more mature understanding of the risks from overseas operations?

How you perceive their performance and their capabilities [in relation to managing overseas risk]?

Answer

The complaints and approaches we have received (about the agencies of interest to the committee) have not provided the Ombudsman's Office with a broad enough understanding of their overseas operations to provide any useful insight to the committee.

Q2. What we are trying to find that is what the risks are: what the potential risk is for corruption and the management of corruption overseas. Have you formed any views by your analysis and observations and investigations with agencies as to what the risks are? What are the types of activity that would pose a stronger risk and those that would probably have a weaker risk?

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Answer

Again, the approaches and complaints received by the Ombudsman's Office do not give us any further insight into these risks.