

PARLIAMENTARY JOINT COMMITTEE ON THE
AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY

Integrity of Australia's Border Arrangements

**Senator Bridget McKenzie asked the following questions via a written question on notice,
following the hearing on 1 August 2017:**

Memoranda of understanding

DIBP's submission states (see *Submission 13*, p. 2) that 'MOUs exist between agencies but in reality there are different policies and procedures for managing integrity in the shared environment.'

1. Are the current MOUs mentioned by DIBP sufficient to address risks posed by shared work environments?
2. Can you explain more fully what would be involved in addressing these risks through 'locally based mitigations and cross-agency agreements', as suggested in your submission?

Outsourcing of DIBP functions

Recent media reports have indicated that DIBP is intending to address forecast steep increases in visitor and immigrant numbers by outsourcing sections of its visa operations.

1. Can you comment in general terms on the effect of outsourcing sensitive government functions on the ability of agencies themselves, and oversight bodies like ACLEI, to combat corruption risks?

ACLEI's jurisdiction

ACLEI's jurisdiction was expanded to include the entirety of the DIBP in mid-2015. However, only certain prescribed staff from the Department of Agriculture are currently included in ACLEI's jurisdiction. As noted by the DAWR submission, staff undertaking regulatory duties at international airports are currently not included (see *Submission 7*, p. 2).

1. Does this arrangement effectively exclude 'back office' staff from ACLEI's oversight, despite such staff posing a risk due to their access to sensitive information?

The answers to the honourable Senator's questions are as follows:

Memoranda of understanding

1. ACLEI notes that the Department of Immigration and Border Protection's submission (12 January 2017) refers to there being differences in integrity arrangements applying to officers from the various entities that work side-by-side in a shared work environment. In addressing this point in oral evidence to the Committee (on 1 August 2017), the Integrity Commissioner noted the desirability of agencies taking an holistic approach to managing integrity risk in shared working environments. However, ACLEI does not oversee MOU arrangements between DIBP and the Department of Agriculture and Water Resources, and therefore is not able to comment on the effectiveness of the specific arrangements mentioned.
2. ACLEI notes that corruption risk at each worksite may differ from one another according to a range of factors that help dictate the level of threat—that is to say, a one size fits all approach is not always sufficient in high threat environments. For instance, the way that corruption might occur—including the method of corrupt compromise, or the type of commodity sought by a corrupt conspirator—might be different in each work environment. Accordingly, ACLEI encourages agencies to approach corruption prevention at two levels:
 - Strong agency-wide framework—appropriate legislation, policy and governance; sophisticated risk planning; specific detection and treatment measures that are matched to agency risk (including investing resources that build internal anti-corruption capacity and capability); training regimes; leadership and messaging to staff; and,
 - Site specific measures—namely, initiatives in each workplace that encourage risk ownership that might include: convening a local cross-agency working group to identify site-specific risks or key commodities to protect; raising awareness about those risks; implementing site-specific detection and deterrence measures; and, monitoring the effectiveness of anti-corruption measures from a local perspective. ACLEI encourages such approaches through its corruption prevention program, including through the *Community of Practice for Corruption Prevention*.

Outsourcing of DIBP functions

1. ACLEI does not have sufficient information to comment on the specific proposal. However, we note that the *Public Governance, Performance and Accountability Act 2013* (Fraud Rule) requires proposals of this kind to consider the risk of fraud arising from a program change.

As to jurisdiction, it is presently the case, pursuant to sub-section 10(2A) of the *Law Enforcement Integrity Commissioner Act 2006*, that a person authorised as an *officer* by the Minister under the *Migration Act 1958* would be subject to the Integrity Commissioner's scrutiny, irrespective of the nature of that person's employment arrangements.

ACLEI's jurisdiction

1. Section 10(2E) of the *Law Enforcement Integrity Commissioner Act 2006*, in combination with regulation 7 of the *Law Enforcement Integrity Commissioner Regulations 2017*, establishes ACLEI's jurisdiction over the Agriculture Department.

Whether or not a staff member of the Agriculture Department falls within ACLEI's jurisdiction will depend upon their position, duties and/or access to the Integrated Cargo System.

Therefore, depending on the circumstances—for instance if, pursuant to regulation 7(c), the 'back office' staff member had access to the Integrated Cargo System (administered by the Immigration and Border Protection Department)—such a person may be in ACLEI's jurisdiction.