

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

Group 1

General

Question No. 56

Senator Humphries asked the following question at the hearing on 30 May 2013:

Senator HUMPHRIES: If it is an investigation and it is into matters of [CrimTrac staff] conduct, can we know a bit about this investigation? Has it been completed? What were its findings? What are the consequences of the investigation?

Mr Wilkins: I am just trying to get some advice, first of all, about who is entitled to release the report, if anybody is, and whether the report can be released. It has been released to the people into whose conduct there was an investigation. I think that there are probably restrictions on how far they could go public because it does deal with a lot of people's private affairs, evidence, reputations et cetera.

...

Mr Wilkins: I am perfectly happy to release it publicly. I am just saying that I would like to take advice as to whether that is appropriate, whether there is anything that restricts me in terms of the Australian Public Sector Management Act, and whether there is anything in the Privacy Act that prevents me from doing that. That is what I want to know. And I want to know whether it is mine to release as well, because I auspiced the investigation, that is true.

Senator HUMPHRIES: Whose could it be to release, if not yours?

Mr Wilkins: It could be a matter for CrimTrac. It may be that I need the concurrence of some of the people who were involved in it, and I do not know the answer to that.

...

Mr Wilkins: Why don't I let you know after dinner?

Senator HUMPHRIES: That would be great.

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

Allegations against the CrimTrac CEO: For clarity, Mr Smith was not the subject of a Code of Conduct investigation. Any issues raised with the Department relating to Mr Smith were of a more general management nature. These were addressed directly between Mr Wilkins and Mr Smith. The exchange of correspondence process did not result in any findings against Mr Smith. Mr Smith has implemented a number of reforms to business processes within CrimTrac to address concerns and advised the Secretary of this action. The Public Service Commissioner considered whether to investigate Mr Smith and elected not to do so, based on the correspondence received by that agency.

Allegations against CrimTrac staff members: Code of Conduct investigations were commenced against two CrimTrac officers accused primarily of bullying or harassment and inappropriate procurement practices. One breach of the Code of Conduct was found in relation to one officer, who chose to resign from CrimTrac prior to the process being finalised. Upon their resignation, all action ceased, in compliance with law. No breaches of the Code of Conduct were found in relation to the other individual. That person subsequently elected to accept an incentive to retire from the Australian Public Service.

Having examined the matter, reasonable expectations of confidentiality make it inappropriate for the department to publicly disclose correspondence and reports relating to these matters.