



Minister for Home Affairs  
Minister for Justice  
THE HON JASON CLARE MP

## Operation Heritage – Interim report released

**22 June 2013**

Minister for Home Affairs and Minister for Justice Jason Clare today released the interim report of Operation Heritage, an investigation by the Australian Commission for Law Enforcement Integrity into alleged corrupt conduct amongst officers of the Australian Customs and Border Protection Service (ACBPS) at Sydney International Airport.

The investigation was conducted in collaboration with the Australian Customs and Border Protection Service and the Australian Federal Police (where it is named Operation Marca).

The release of this report follows the arrest of 20 people including four employees of the Australian Customs and Border Protection Service, one officer from the Department of Agriculture, Fisheries and Forestry, one baggage handler and 14 others. The report clearly states that further arrests are possible.

In addition to the arrests, 54 kilograms of pseudoephedrine have been seized. Cash and assets to the value of approximately \$237,000 have been confiscated.

The interim report was delivered to the Minister last week accompanied by a report on Corruption Vulnerabilities within the Aviation Environment at Sydney International Airport.

The report states that:

An enduring lesson is that corruption risk will follow opportunity for illicit profit. Policy designers, and those responsible for governance of high-risk operating environments, must expect this situation to be the case, and plan accordingly.

Stage one of reforms to crackdown on organised crime and corruption was implemented last year and is now in operation. This package includes:

1. Integrity Testing - targeted integrity tests on law enforcement officers suspected of corruption can now be conducted.

These are covert operations designed to test if someone is corrupt. It can involve offering a bribe, leaving money at the scene of a crime or putting false information on a database to see if it is passed on. It is a psychological weapon - designed to put fear into the mind of the corrupt.

2. Drug and Alcohol Testing - The CEO of the Australian Customs and Border Protection Service now has the power to authorise drug and alcohol testing on all staff. To date 568 officers have been subject to random testing, with none returning a

positive alcohol test and one positive drug test currently subject to further investigation.

3. The power to make a determination that an officer has been terminated for Serious Misconduct -The CEO of the Australian Customs and Border Protection Service now has the same powers as the Australian Federal Police Commissioner.
4. Power to make CEO's Orders - The legislation introduced the power for the CEO of the ACBPS to make CEO's Orders for the control of the Service, including the reporting of serious misconduct, corrupt conduct or criminal activity. Chief Executive Officer (CEO) Order 2 of 2013 Mandatory Reporting of Serious Misconduct, Corrupt Conduct and Criminal was issued on 15 February 2013.
5. Expansion of the corruption watchdog -The Government has expanded the number of agencies that are oversighted by the Australian Commission for Law Enforcement Integrity (ACLEI).

ACLEI currently oversees the Australian Federal Police, the Australian Crime Commission and the Australian Customs and Border Protection Service and deals with corruption issues from the former National Crime Authority.

From the 1st of July, that oversight will be expanded to include Biosecurity staff from the Department of Agriculture, Fisheries and Forestry, AUSTRAC and CrimTrac.

6. Doubling of funding to oversight Customs and Border Protection - the funding for ACLEI to oversee the Australian Customs and Border Protection Service has been doubled.

To build on this package of reform and to harden the Australian Customs and Border Protection Service against the threat of corruption, further measures have been implemented. These include:

7. A tougher Organisational Suitability Assessment (OSA) regime is being developed – to better detect and deal with officers with criminal associations by: increasing the range of intelligence sources against which prospective employees are checked; continual monitoring, education and risk mitigation post-employment; an early identification and intervention system to proactively identify and work with staff to correct potential problematic behaviours before they become an issue; and integration of integrity and HR processes so that positive behaviours are rewarded and recognised.
8. The CEO of ACBPS announced an Integrity Management Review on 21 March this year. This internal review has been completed and the CEO will consider action that needs to be taken as result of this review.
9. A more rigorous process to Australian Public Service Code of Conduct investigations where ACLEI brings to the CEO's attention evidence of misconduct or breaches of duty by officers obtained by ACLEI during their investigations that does not amount to corrupt conduct but warrants the initiation of disciplinary proceeding.
10. An Integrity Support and Referral Network has been established within the ACBPS to provide support and advice on options to all officers regarding their mandatory

reporting obligations, and as another avenue to report concerns regarding serious misconduct, corruption and/or criminal behaviours.

The Australian Commission for Law Enforcement Integrity, Australian Federal Police and the Australian Customs and Border Protection Service also prepared a report on corruption vulnerabilities within the Aviation Environment at Sydney International Airport. This is a protected document and will not be released at this time.

In response to that report, the Australian Customs and Border Protection Service will implement a number of reforms at international airports across the country. These include:

1. A ban on personal mobile phone use in all customs controlled areas of all international airports;
2. Physical moves of officers between work teams. A team reassignment process has begun at Sydney International Airport based on refreshing teams that have the longest average member tenure;
3. Tighter control over access to staff rosters to reduce the potential for corrupt officers to plan activities at certain times. Any shift 'swaps' between personnel must be reported to the senior ACBPS officer at the airport;
4. The introduction of integrity and corruption awareness sessions for officers at all airports. This includes scenario-based training using real life examples and discussion of the appropriate action to be taken in each case;
5. Increased monitoring of unscheduled and unauthorised absences, and of the attendance of officers in the workplace when not rostered to work. Stronger reporting processes are now in place for all scenarios. In cases of unauthorised attendance in a Customs controlled area, the officer is directed to leave the airport and a report made to the Integrity and Professional Standards Branch;
6. New rules for the processing of passengers known to officers. Specific guidance and instructions have been provided to officers on interacting with any travellers known to them during the course of their duties. Officers must acknowledge such relationships and no special treatment or handling is permitted;
7. Tighter restriction of access to ACBPS airport control rooms and the introduction of audits of access records;
8. Launch of a training program for front-line supervisors with a focus on integrity, leadership and professional standards; and
9. Regular inspection of uniforms and official notebooks to ensure a high degree of professional standards are being maintained in all areas and there is compliance with relevant guidelines and rules in these areas.

"The key to tackling corruption is structural and cultural reform." Mr Clare said.

"We have already implemented a number of anti-corruption reforms. There is a lot more to come" Mr Clare said.

Minister Clare has also established the Customs Reform Board – made up of three distinguished Australians with expertise in law enforcement, corruption resistance and best practice business systems.

They are:

- The Honourable James Wood AO QC

Former Royal Commissioner of the NSW Royal Commission into the NSW Police Service

- Mr Ken Moroney AO APM

Former Commissioner of the NSW Police Force

- Mr David Mortimer AO

Former CEO TNT Limited, former Deputy Chairman of Ansett, former Chairman of Australia Post and Leightons Holdings.

The board will advise the Minister on further major structural and cultural reforms to Customs.

The Integrity Commissioner's interim report of Operation Heritage can be found at [www.aclei.gov.au](http://www.aclei.gov.au)

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