



Australian Government
Department of Immigration
and Border Protection

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I&PS Case No: 2017/38 s47E(d)

s22(1)(a)(ii)

Head of Mission
 Australian High Commission - Pretoria

Delivered by hand

INVESTIGATION REPORT LES MISCONDUCT

Purpose

1. The purpose of this misconduct investigation is to inform an administrative determination in relation to potential breaches by s47E(c), s47F¹ of s47F Local Labour Law employment conditions under the terms of s47F employment with the Australian High Commission. In compiling this report, advice has also been sought as to the manner in which s47E(c), s47F s47E(c), s47F actions would be viewed in terms of South African employment law and practice. These comments are to be found where relevant in this report.

Introduction

2. This investigation follows analysis of s47E(c), s47F s47F, s47E(d) visa caseload conducted by the Principal Migration Officer s22(1)(a)(ii). Analysis indicates s47E(c), s47F may have deliberately granted selected s47E(d), s47F visas in circumstances where the applications were s47E(d) such that the visa should not have been granted, for personal financial gain. *Allegations one to eleven address specific s47E(d), s47F visa applications that it is believed s47E(c), s47F granted illegitimately for personal financial gain.*
3. Concurrently, s47E(d), s47E(c) analysis conducted in Australia indicates s47E(c), s47F is receiving payments from s47E(d). It is alleged that s47E(c), s47F may be providing visa advice outside s47F official capacity for personal financial gain. *Allegation twelve relates s47E(c), s47F financial links with s47E(d)*
4. It is alleged that s47E(c), s47F may have used Departmental IT Systems outside official purposes to provide advice to facilitators.

¹ s47E(c), s47F

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Background

5. s47E(c), s47F [REDACTED] who has been employed within the s47E(c), s47F [REDACTED] sections of the Australian High Commission s47E(c), s47F [REDACTED].
6. s47E(c), s47E(d) [REDACTED]
[REDACTED]
[REDACTED] s47F [REDACTED]
[REDACTED]
7. The report was subsequently referred to Integrity and Professional Standards Branch, DIBP.
8. s47E(c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
9. s47E(c) [REDACTED]
[REDACTED]
[REDACTED]
10. On s47E(c) [REDACTED] 2017, you appointed me to undertake an administrative investigation into s47E(c), s47F [REDACTED] conduct. A copy of the Instrument of Appointment is attached to this report as Annexure 1.

Scope

11. This investigation considers the allegations against s47E(c), s47F [REDACTED] in the context of s47F [REDACTED] employment under Local Labour Law.

12. s47E(c), s47E(d) [REDACTED]

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

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Investigation (Method)

16. An independent desktop review of the 11 s47E(d), s47F visas granted by s47E(c), s47F has been undertaken by an independent subject matter expert, s22(1)(a)(ii) of the Visa Assessment and Cancellation Branch DIBP, in Canberra, Australia.
17. s22(1)(a)(ii) findings will be explored within this report and detailed comprehensively within associated attachments. An overarching witness statement has been obtained from s22(1)(a)(ii) and is attached to this report along with s47F qualifications.
18. DIBP IT systems, documents and information have been reviewed in support of this investigation including human resources information and s47E(c), s47F personnel file, Integrated Client Services Environment data, visa application documentation and particulars.
19. Principal Migration Officer, Pretoria, s22(1)(a)(ii) has been consulted in relation to the visa applications reviewed by s22(1)(a)(ii) and s47F supports s22(1)(a)(ii) findings.
20. Integrity reporting by the Principal Migration Officer s22(1)(a)(ii) has been considered as part of the investigation and s22(1)(a)(ii) key findings are referenced within the report.
21. Australian based s47E(d), s47E(c) analysis has been considered as part of the investigations and is referenced within the report.
22. On s47E(c), s47F 2017, s47E(c), s47F was interviewed by investigators at the Chancery in the Australian High Commission Pretoria. An interview summary is contained within the report and relevant comments or admissions are inserted against associated allegations.

23. s47E(c), s47F

DETAILS AND EVIDENCE**General information**

24. s47E(c), s47F was originally employed as a s47E(c), s47F by the Australian High Commission in Pretoria, South Africa s47E(c), s47F.
25. On s47E(c), s47F, prior to s47F formal engagement, s47E(c), s47F signed an acknowledgement document stating that s47F "had read and understood the Code of Conduct for Locally Engaged Staff" and further stated, that s47F did "undertake to comply with it".
26. Case Officers and Senior Case Officers receive training at Post in relation to visa assessment and granting regulations and procedures, conduct and ethics and integrity awareness. The training is conducted via a mix of on the job training, presentations and online training and awareness courses which are completed on an annual basis. Staff are also trained in relation to policy and procedural changes as required.

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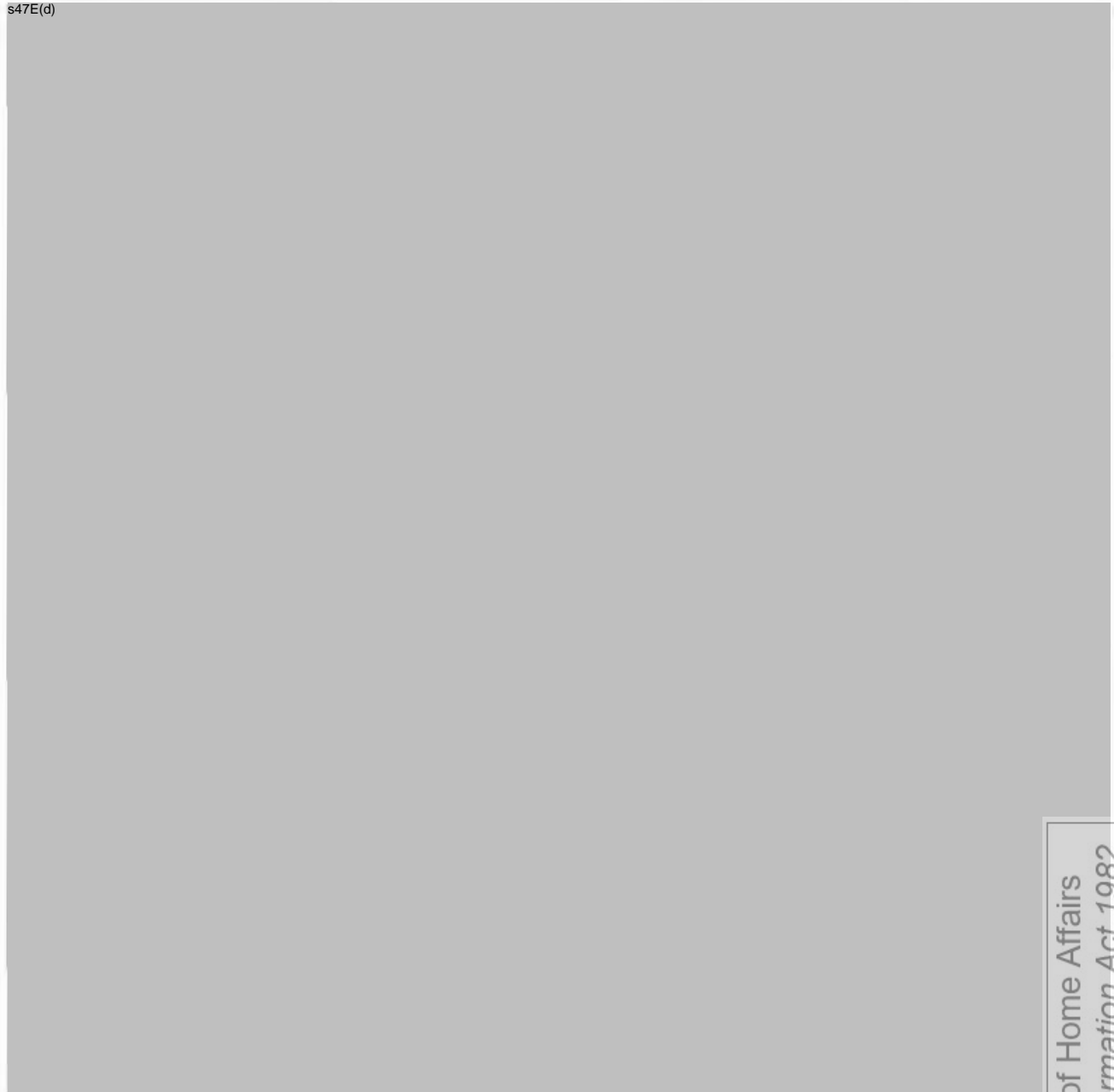
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27. Departmental records indicate s47E(c), s47F [REDACTED] has completed online training in the following course within the last financial year:

- Fraud and Corruption Awareness
- Our Professional Standards

s47E(d)



s47E(c), s47F **2017 Report by Principal Migration Officer** s47E(d), s47E(c)

29. In s47E(c), s47F [REDACTED] 2017, an integrity report was produced by s22(1)(a)(ii) [REDACTED], PMO s22(1)(a)(ii) [REDACTED] following a review of s47E(c), s47F [REDACTED] s47E(d), s47E(c) Visa Caseload.

30. s22(1)(a)(ii) [REDACTED] report included the following key findings:

"An analysis of the s47E(d), s47E(c) [REDACTED] visa caseload has revealed that it is almost certain that there is active organised people smuggling of s47E(d), s47E(c) [REDACTED] citizens through the use of s47E(d), s47E(c) [REDACTED] to obtain s47E(d), s47E(c) [REDACTED] visas facilitated by a locally engaged

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employee of the Australian High Commission, s47E(c), s47F and s47E(d), s47E(c)

"It is almost certain that locally engaged employee s47E(c), s47F is receiving money in return for granting s47E(d), s47E(c) visas containing s47E(d), s47E(c)

s47E(d), s47E(c)

31. The report highlighted financial links between s47E(c), s47F and s47E(d), s47E(c)

s47E(d), s47E(c)

Individual Case Assessment Review

35. Australian based subject matter expert, s22(1)(a)(ii) was tasked by investigators to conduct an independent desktop review of the cases granted by s47E(c), s47F which were highlighted within s22(1)(a)(ii) report and each is explored within this report. In doing so s22(1)(a)(ii) considered:

- Relevant legislation, being the *Migration Act 1958* and the *Migration Regulations 1994*.
- Applicable information contained in the Department's Procedures Advice Manual 3.

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- Ministers Direction 499, number 69 – Binding guidance on the granting of Temporary Student Visas.
- Documentation and information provided by the applicant.

36. s22(1)(a)(ii) assessment will be explored in relation to each case examined in allegations one to eleven later in this report.

37. s22(1)(a)(ii) was asked to complete a desktop review of cases *refused* by s47E(c), s47F over the period s47E(c), s47F. s22(1)(a)(ii) reported that s47E(c), s47F s47E(c), s47F refused a number of s47E(d), s47F visas on the grounds that the applicants did not meet s47E(d) requirements. The cases appeared to be more thoroughly scrutinised by s47E(c), s47F and in some instances, s22(1)(a)(ii) concluded that the applications s47E(c), s47F refused demonstrated stronger claims against the s47E(d) than those explored within this report that s47E(c), s47F granted. s47E(d), s47E(c)

s47E(c), s47E(d), s47F

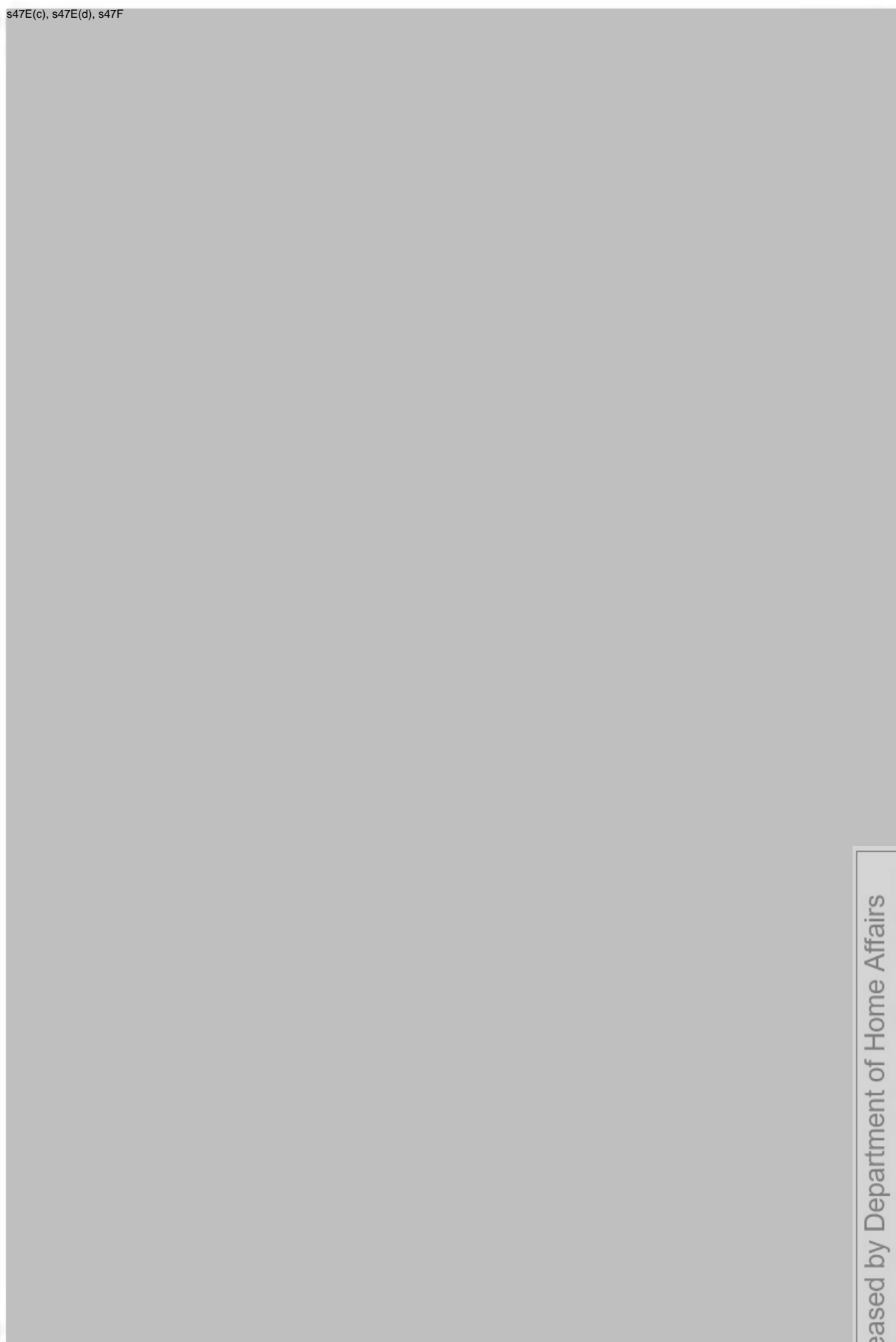
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s47E(c), s47E(d), s47F



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s47E(c), s47E(d), s47F



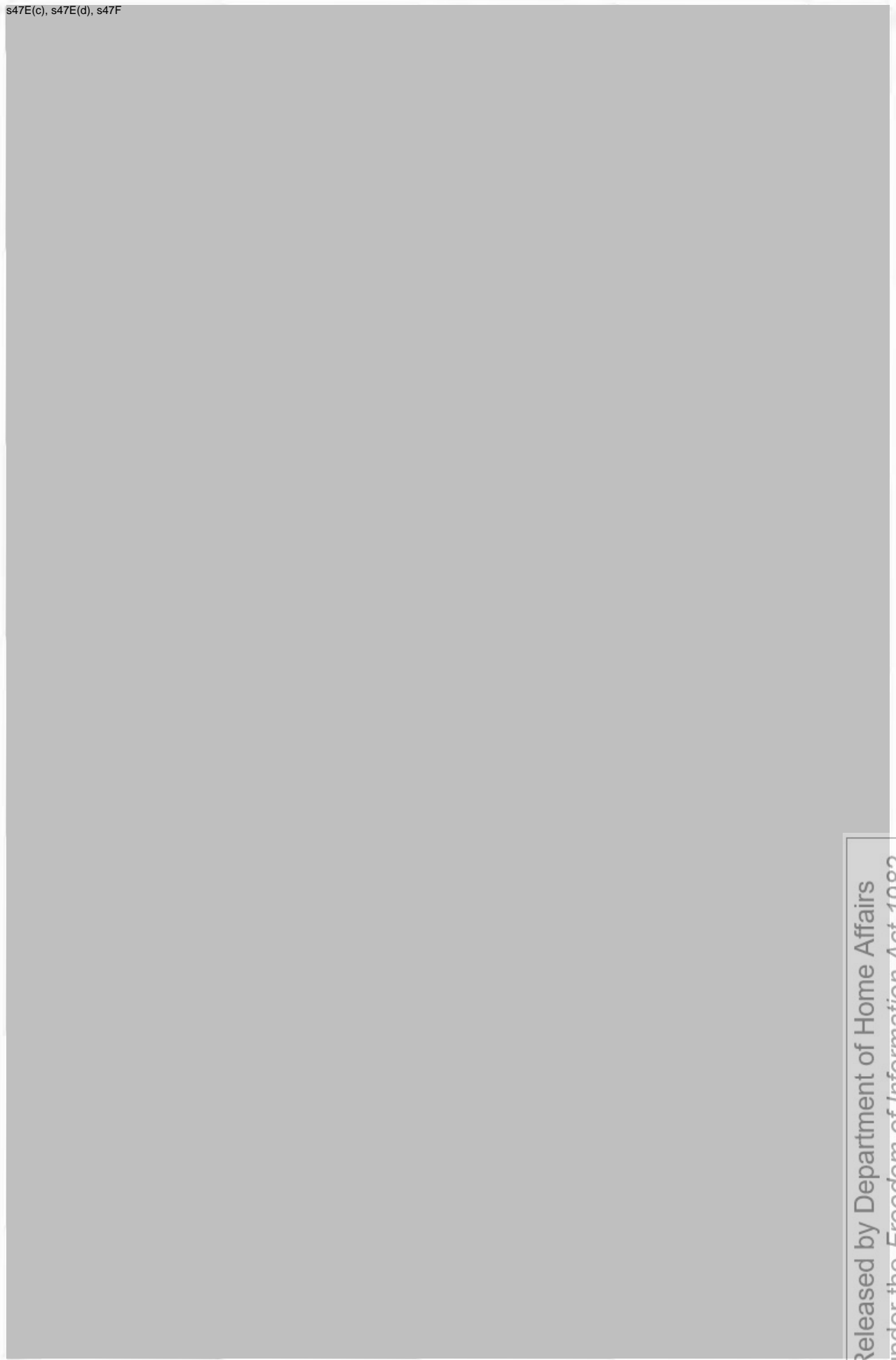
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s47E(c), s47E(d), s47F

ALLEGATIONS**ALLEGATION ONE**

s47F

76. It is alleged that on the s47E(c), s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.

77. s47E(c), s47F granted a s47F Visa in relation to s47F on s47E(c), s47F 2016.

78. A review by s22(1)(a)(ii) of s47F visa was undertaken on s47E(c) 2017. s22(1)(a)(ii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d) and criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were not met by the visa holder".

s47E(c), s47E(d), s47F

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SUMMARY FINDINGS ALLEGATION ONE

84. At interview on s47E(c), s47F 2017, s47E(c), s47F claimed s47F did not grant visas for financial gain. On the evidence available, this does not seem plausible.
85. s47E(c), s47F claims that s47F provides s47F clients in South Africa and Australia with advice in relation to the visa process. s47E(c), s47E(d), s47F
 [REDACTED]
 [REDACTED]
 [REDACTED]
86. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c), s47F 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F
87. s47E(c), s47F did issue the visa to s47F in circumstances where the visa application was not genuine.
88. s47E(c), s47F s47E(c), s47F
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED] On the information available, I do not consider s47E(c), s47F assertion that s47F does not grant visas for personal financial gain to be credible.
89. Given s47E(c), s47F payment to s47E(c), s47F soon after s47F granted the visa, I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain.

ALLEGATION TWO

- s47F
 [REDACTED]
- It is alleged that on the s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.
90. s47E(c), s47F granted a s47F Visa in relation to s47F on s47F 2016.
91. A review by s22(1)(a)(ii) of s47F visa was undertaken on s47E(c) 2017. s22(1)(a)(ii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion

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s47E(d)

On this basis, I find the criteria for the grant of the s47F, visa were not met by the visa holder".

s47E(c), s47E(d), s47F

s47E(c), s47E(d), s47F

SUMMARY FINDINGS ALLEGATION TWO

99. At interview on s47E(c), s47F 2017, s47E(c), s47F claimed s47F did not grant visas for financial gain. On the evidence available, this does not seem plausible.

100. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c), s47F 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F

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101. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.

102. s47E(c), s47E(d), s47F
 I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain, s47E(c), s47E(d), s47F

ALLEGATION THREE

s47F

It is alleged that on the s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.

103. s47E(c), s47F granted a s47E(c), s47E(d) Visa in relation to s47F on s47F 2016.

104. A review by s22(1)(a)(iii) of s47F visa was undertaken on s47E(c) 2017. s22(1)(a)(ii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were not met by the visa holder".

s47E(c), s47E(d), s47F

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s47E(c), s47E(d), s47F

SUMMARY FINDINGS ALLEGATION THREE

113. At interview on s47E(c), s47F 2017, s47E(c), s47F claimed s47F did not grant visa's for financial gain. On the evidence available, this does not seem plausible.
114. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47F 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F
115. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.
116. s47E(c), s47E(d), s47F
I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain, s47E(c), s47E(d), s47F

ALLEGATION FOUR

s47F

117. It is alleged that on the s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.
118. s47E(c), s47F granted a s47F Visa in relation to s47F most recently on s47F 2016.
119. A review by s22(1)(a)(ii) of s47F visa was undertaken on s47E(c) 2017. s22(1)(a)(ii) concluded:

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"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that ^{s47F} failed to meet criterion ^{s47E(d)} On this basis, I find the criteria for the grant of the ^{s47F} visa were not met by the visa holder".

s47F, s47E(d), s47E(c)

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s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION FOUR

137. At interview on s47E(c), s47F 2017, s47E(c), s47F claimed s47F did not grant visas for financial gain. On the evidence available, this does not seem plausible.
138. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c) 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details by s47F
139. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.
140. s47F, s47E(d), s47E(c) I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain.

ALLEGATION FIVE

s47F

141. It is alleged that on the s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.
142. s47E(c), s47F granted a s47F Visa in relation to s47F on s47F.
143. A review by s22(1)(a)(ii) of s47F visa was undertaken on s47F 2017. s22(1)(a)(ii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion

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s47E(d) [REDACTED] On this basis, I find the criteria for the grant of the s47F [REDACTED] visa were not met by the visa holder".

s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION FIVE

147. At interview on s47F, s47E(c), s47F [REDACTED] 2017, s47E(c), s47F [REDACTED] claimed s47F [REDACTED] did not grant visa's for financial gain. On the evidence available, this does not seem plausible.
148. s47E(c), s47F [REDACTED] is an experienced officer and has demonstrated s47F [REDACTED] expertise in other assessments that s47F [REDACTED] has refused prior to this case in s47E(c) [REDACTED] 2016, as well as during s47F [REDACTED] interview with investigators. On the basis of s47F [REDACTED] experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F [REDACTED] granted this visa in error. It is assessed that s47E(c), s47F [REDACTED] was provided the details of the applicant by one of s47F [REDACTED] clients, likely s47F [REDACTED]
149. s47E(c), s47F [REDACTED] did issue the visa in circumstances where the visa application was not genuine.
150. s47F, s47E(d), s47E(c) [REDACTED]
[REDACTED]
[REDACTED] I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F [REDACTED] did knowingly grant the visa for personal financial gain.

ALLEGATION SIX

- s47F [REDACTED]
151. It is alleged that on the s47F [REDACTED] 2016, s47E(c), s47F [REDACTED] issued a s47F [REDACTED] visa to s47F [REDACTED] in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F [REDACTED] did knowingly grant the visa for personal financial gain.
152. s47E(c), s47F [REDACTED] granted a s47F [REDACTED] Visa in relation to s47F [REDACTED] on s47F [REDACTED] 2016.
153. A review by s22(1)(a)(ii) [REDACTED] of s47F [REDACTED] visa was undertaken on s47E(c) [REDACTED] 2017. s22(1)(a)(ii) [REDACTED] concluded:
- "On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F [REDACTED] failed to meet criterion*

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s47E(d) [REDACTED] and criterion s47E(d) [REDACTED] On this basis, I find the criteria for the grant of the s47F [REDACTED] visa were not met by the visa holder".

s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION SIX

159. At interview on s47F [REDACTED] 2017, s47E(c), s47F [REDACTED] claimed s47F [REDACTED] did not grant visas for financial gain. On the evidence available, this does not seem plausible.
160. s47E(c), s47F [REDACTED] is an experienced officer and has demonstrated s47F [REDACTED] expertise in other assessments that s47F [REDACTED] has refused prior to this case in s47E(c) [REDACTED] 2016, as well as during s47F [REDACTED] interview with investigators. On the basis of s47F [REDACTED] experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F [REDACTED] granted this visa in error. It is assessed that s47E(c), s47F [REDACTED] was provided the details of the applicant by one of s47F [REDACTED] clients, likely s47F [REDACTED].
161. s47E(c), s47F [REDACTED] did issue the visa in circumstances where the visa application was not genuine.
162. s47F, s47E(d), s47E(c) [REDACTED]
[REDACTED]
[REDACTED] I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F [REDACTED] did knowingly grant the visa for personal financial gain.

ALLEGATION SEVEN

s47F [REDACTED]

163. It is alleged that on the s47F [REDACTED] 2016, s47E(c), s47F [REDACTED] issued a s47F [REDACTED] visa to s47F [REDACTED] in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F [REDACTED] did knowingly grant the visa for personal financial gain.

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164. s47E(c), s47F granted a s47F Visa in relation to s47F on s47F 2016.

165. A review by s22(1)(a)(ii) of s47F visa was undertaken on s47E(c) 2017. s22(1)(a)(ii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were not met by the visa holder".

s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION SEVEN

174. At interview on s47F 2017, s47E(c), s47F claimed s47F did not grant visas for financial gain. On the evidence available, this does not seem plausible.

175. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c) 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F.

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176. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.

177. s47F, s47E(d), s47E(c)
s47F
I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain, s47F, s47E(d), s47E(c)

ALLEGATION EIGHT

s47F

178. It is alleged that on the s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.

179. s47E(c), s47F granted a s47F, s47E(d) Visa in relation to s47F on s47F 2016.

180. A review by s22(1)(a)(ii) of s47F visa was undertaken on s47F 2017. s22(1)(a)(ii) concluded;

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder".*

s47F, s47E(d), s47E(c)

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s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION EIGHT

189. At interview on s47E(c) 2017, s47E(c), s47F claimed s47F did not grant visas for financial gain. On the evidence available, this does not seem plausible.

190. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c) 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F

191. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.

192. s47F, s47E(d), s47E(c) I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain, s47F, s47E(d), s47E(c)

ALLEGATION NINE

s47F

193. It is alleged that on the s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.

194. s47E(c), s47F granted a s47F Visa in relation to s47F on s47F 2016.

195. A review by s22(1)(a)(ii) of s47F visa was undertaken on s47F 2017. s22(1)(a)(ii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were not met by the visa holder".

s47F, s47E(d), s47E(c)

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s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION NINE

203. At interview on s47E(c) 2017, s47E(c), s47F claimed s47F did not grant visas for financial gain. On the evidence available, this does not seem plausible.

204. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c) 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F

205. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.

206. s47F, s47E(d), s47E(c)
 I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain, s47F, s47E(d), s47E(c)

ALLEGATION TEN

s47F

207. It is alleged that on the s47F 2016, s47E(c), s47F issued a s47F visa to s47F in circumstances where the

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visa application was not genuine and furthermore that s47E(c), s47F did knowingly grant the visa for personal financial gain.

208. s47E(c), s47F granted a s47F Visa in relation to s47F on s47F 2017.

209. A review by s22(1)(a)(iii) of s47F visa was undertaken on s47E(c) 2017. s22(1)(a)(iii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion

s47E(d) and criterion

s47E(d) *On this basis, I find the criteria for the grant of the s47F visa were not met by the visa holder".*

s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION TEN

216. At interview on s47F 2017, s47E(c), s47F claimed s47F did not grant visas for financial gain. On the evidence available, this does not seem plausible.

217. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c) 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F

218. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.

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219. [REDACTED] s47F, s47E(d), s47E(c) [REDACTED]
[REDACTED]
[REDACTED] I find sufficient evidence exists, on the balance of probabilities, that [REDACTED] s47E(c), s47F [REDACTED] did knowingly grant the visa for personal financial gain.

ALLEGATION ELEVEN

s47F [REDACTED]

220. It is alleged that on the 4 January 2017, [REDACTED] s47E(c), s47F [REDACTED] issued a [REDACTED] s47F, s47E(d) [REDACTED] visa to [REDACTED] s47F [REDACTED] in circumstances where the visa application was not genuine and furthermore that [REDACTED] s47E(c), s47F [REDACTED] did knowingly grant the visa for personal financial gain.

221. [REDACTED] s47E(c), s47F [REDACTED] granted a [REDACTED] s47F, s47E(d) [REDACTED] Visa in relation to [REDACTED] s47F [REDACTED] on [REDACTED] s47F [REDACTED] 2017.

222. A review by [REDACTED] s22(1)(a)(ii) [REDACTED] of [REDACTED] s47F [REDACTED] visa was undertaken on [REDACTED] s47F, s47E(d), s47E(c) [REDACTED] 2017. [REDACTED] s22(1)(a)(ii) [REDACTED] concluded;

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that [REDACTED] s47F [REDACTED] failed to meet criterion [REDACTED] s47E(d) [REDACTED] On this basis, I find the criteria for the grant of the [REDACTED] s47F [REDACTED] visa were **not** met by the visa holder".*

s47F, s47E(d), s47E(c)

SUMMARY FINDINGS ALLEGATION ELEVEN

227. At interview on 3 May 2017, [REDACTED] s47E(c), s47F [REDACTED] claimed [REDACTED] s47F [REDACTED] did not grant visa's for financial gain. On the evidence available, this does not seem plausible.

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228. s47E(c), s47F is an experienced officer and has demonstrated s47F expertise in other assessments that s47F has refused prior to this case in s47E(c) 2016, as well as during s47F interview with investigators. On the basis of s47F experience and the high risk nature of the initial application it is not accepted that s47E(c), s47F granted this visa in error. It is assessed that s47E(c), s47F was provided the details of the applicant by one of s47F clients, likely s47F

229. s47E(c), s47F did issue the visa in circumstances where the visa application was not genuine.

230. s47F, s47E(d), s47E(c)
 I find sufficient evidence exists, on the balance of probabilities, that s47E(c), s47F did knowingly grant the visa for personal financial gain, s47F, s47E(d), s47E(c)

ALLEGATION TWELVE

231. It is alleged that s47E(c), s47F is s47F, s47E(d), s47E(c) linked to s47F, s47E(d), s47E(c) individuals believed to be exploiting the visa programme and that these individuals have been remitting funds to s47E(c), s47F in payment for visa advice.

SUMMARY FINDINGS ALLEGATION TWELVE

s47F, s47E(d), s47E(c)



236. On the evidence available to the investigation s47F, s47E(d), s47E(c)
 , I find sufficient evidence exists on the balance of probabilities that s47E(c), s47F is s47F, s47E(d), s47E(c) linked to s47F, s47E(d), s47E(c) individuals

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believed to be exploiting the visa programme and that these individuals have been remitting funds to s47E(c), s47F in payment for visa advice.

ALLEGATION THIRTEEN

237. It is alleged that s47E(c), s47F may have used Departmental IT Systems outside official purposes to provide advice to facilitators;

SUMMARY FINDINGS ALLEGATION THIRTEEN

238. When employees log into the Department's ICSE system the user is confronted with the following warning message:

"This message is to remind you that ICSE may only be accessed or used for a lawful business purpose".

The authority to access or disclose certain information contained in ICSE is limited by:

- *The Information Privacy Principles contained in section 14 of the Privacy Act 1988*
- *Section 488 of the Migration Act 1958 (the Act) for Movement Records; and*
- *Sections 336D and 336E for identifying information (including personal identifiers such as photographs).*

"It is an offence to access 'identifying information' (defined in section 336A) unless you have been authorised by the Secretary and the access is for one of the purposes for which access is authorised under section 336D(2). It is an offence to disclose identifying information unless it is a permitted disclosure under section 336E(2)".

239. s47E(d), s47E(c) reporting indicates:

s47E(c), s47F, s47E(d)



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240. [REDACTED] reporting indicates:

[REDACTED]

241. [REDACTED]

242. [REDACTED] reporting indicates:

[REDACTED]

243. [REDACTED] is not the nominated case officer in the matters outlined above and does not work in the associated team. [REDACTED] admitted [REDACTED] links with [REDACTED] at interview and admitted that [REDACTED] provided advice [REDACTED] on visa applications and process on a fee for service basis.

244. The case audits outlined above demonstrate [REDACTED] is accessing records on instruction from [REDACTED] for illegitimate purposes.

245. Sufficient evidence exists to satisfy me, on the balance of probabilities, that [REDACTED] is using Departmental IT Systems, namely ICSE, outside official purposes to provide advice to facilitators in return for personal financial gain.

CONCLUSION

246. [REDACTED] is a competent performer whom the Australian High Commission relies upon to undertake the visa assessment process proficiently and with integrity. My investigation has not revealed any instances where [REDACTED] has raised questions with supervisors around the visa assessment process nor has [REDACTED] highlighted areas of [REDACTED] duties in which [REDACTED] feels additional development is necessary.

247. [REDACTED] has acknowledged [REDACTED] understanding of the LES Code of Conduct and undertaken to comply with those standards. The LES Code of Conduct explains the expectation of LES to '*observe the same high standard of conduct, honesty and integrity as that required of APS employees*'. [REDACTED] conduct demonstrates a serious departure from that commitment and presents a serious risk to Australia's Visa Management Programme and border security.

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248. On the information available, §47E(c), §47F behavior constitutes serious misconduct and abuse of §47F appointment to a position of trust.

249. §47E(c), §47F conduct presents a significant breach in the trust placed in §47F by the Australian High Commission, Pretoria (and ultimately of the Australian Government) in §47F role as a §47E(c), §47F. §47F conduct presents a real conflict of interest to §47F employment and constitutes corruption and abuse of §47F office.

250. On the information available, I am satisfied sufficient evidence exists to support the burden of proof required, that §47E(c), §47F has breached the conditions of §47F employment under Local Labor Law. Specifically, §47F has knowingly and intentionally failed to follow standing procedures and instructions in respect of the granting of entry visas to Australia, §47F has admitted to receiving funds for the purposes of §47F own enrichment, which when related to §47F position, constitutes a very serious act of dishonesty, §47F has breached the duty of honesty and good faith owed to the employer by all employees, by refusing to notify the employer of offers of financial advantage in respect of favours received, §47F has admitted to having knowledge of, and having been trained in the appropriate procedures for granting of visas, and has also conceded that §47F has attended training on ethical behavioural standards, but in the face of this knowledge, undertook, and continued over an extended time period, acts which are completely at odds with these standards, but nevertheless persisted in §47F activity, thereby entirely destroying the trust relationship, upon which employment depends, and by §47F actions, made continued employment intolerable. In addition, §47F behaviour is such that §47F arguably §47E(c), §47F, §47E(d), as well as being party to serious fraud, all of which constitute particularly serious allegations of criminal activity, and could even lead to the imposition of a custodial sentence if considered in terms of South African law.

251. Additionally, in relation to §47F obligations under the LES Code of Conduct, sufficient evidence exists to conclude on the balance of probabilities that §47E(c), §47F has breached the following elements:

LES code of Conduct 3.4.10

1. An employee must at all times behave in a way that upholds the integrity and good reputation of the Embassy, High Commission, Consulate or Business Office.
5. An employee must behave honestly and with integrity in connection with his or her employment with the Embassy, High Commission, Consulate or Business Office.
6. An employee must not use his or her official position to influence improperly or try to influence colleagues or members of the public by giving or receiving gifts or by entering into financial or other arrangements with them.
7. An employee must act with care and diligence in connection with his or her employment with the Embassy, High Commission, Consulate or Business Office.
8. In his or her duties an employee must:

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- be fair and impartial;
- give persons likely to be affected by a decision an opportunity to have their case considered;
- be prompt;
- explain the reasons for action/decisions; and
- at all times act according to local law and applicable Australian law.

17. An employee must disclose, and take reasonable steps to avoid, any conflict of interest, either real or apparent, in connection with his or her employment in the Embassy, High Commission, Consulate or Business Office, including in relation to any outside employment and/or business activities.

30. An employee must not make improper use of inside information, or the employee's duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee, or for any other person, including the acceptance of gifts, benefits, sponsored travel, hospitality, accommodation, hire car costs and entertainment.

32. Gifts or benefits should generally not be accepted. In cases where not accepting the gift or benefit would cause offence to an extent that could adversely affect Australia's interests, a gift or benefit can be accepted only with the written approval of the HOM/HOP. Otherwise, the gift or benefit must be refused or returned.

33. If in doubt about whether or not to accept a gift or benefit, the matter should be discussed with the employee's A-based supervisor.

34. A bribe is a gift given or offer made with the intention of influencing an employee to take or not to take a specific action. An employee who is found to have accepted a bribe will be subject to disciplinary action, including possible dismissal.

35. Money must never be accepted as a gift.

38. An employee must not engage in deceitful actions aimed at gaining a benefit or avoiding a liability.

39. An employee must not engage in fraudulent conduct. This includes deceitful or other dishonest conduct, involving acts of omission or the making of false statements, orally or in writing, with the object of obtaining money or other benefit, or of evading liability, from the Embassy, High Commission, Consulate or Business Office.

RECOMMENDATIONS

252. That you advise §47E(c), §47F that sufficient evidence exists, in accordance with the departmental procedures for handling misconduct as contained within the DFAT Conduct and Ethics Manual, to satisfy the burden of proof required that §47F has breached the LES Code of Conduct.

QUALIFICATIONS

253. The comments made and conclusions drawn herein are based on information obtained during the course of this investigation in accordance with the Australian Government Investigations Standards.

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s22(1)(a)(ii)

Investigator

s47E(c), s47F, s47E(d)

s47E(c), s47E(d)

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Australian Government
Department of Immigration
and Border Protection

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I&PS Case No: 2017/38 s47E(d)

s22(1)(a)(iii)

Head of Mission
 Australian High Commission - Pretoria

Delivered by hand

INVESTIGATION REPORT LES MISCONDUCT

Purpose

1. The purpose of this misconduct investigation is to inform an administrative determination in relation to potential breaches by s47E(c), s47F of the LES Code of Conduct and s47F employment conditions, under the terms of s47F employment with the Australian High Commission. In compiling this report, advice has been received as to the manner in which s47E(c), s47F actions would be viewed in terms of South African employment law and practice. These comments are included where relevant in this report.

Introduction

2. This investigation follows analysis of eleven s47E(d), s47F visas granted by s47E(c), s47F in s47E(c), s47F 2017. It is alleged s47E(c), s47F deliberately granted the visas without applying the appropriate assessment processes in circumstances where the applications were not genuine and the visa should not have been granted. *Allegations One to Eleven address specific s47F visa applications that it is believed s47E(c), s47F should not have granted.*
3. It is alleged that s47E(c), s47F provided false and misleading information during two interviews with investigating officers on the s47E(c), s47F 2017 and s47E(c), s47F 2017. *Allegation Twelve addresses this matter.*
4. It is alleged that s47E(c), s47F failed to comply with a lawful and reasonable direction issued by the Regional Manager Africa DIBP, s47E(c), s47F. *"You may not access the premises of the AHC, nor may you communicate with any employees of the AHC without the express written permission of s22(1)(a)(iii) (Regional Manager Africa, Department of Immigration and Border Protection)". s47E(c), s47F remained in contact with s47E(c), s47F. Allegation Thirteen addresses this matter.*

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Background

5. s47E(c), s47E(d) analysis was conducted by the Department of Immigration and Border Protection (DIBP) in 2016, s47E(c), s47E(d). The DIBP s47E(c), s47E(d) report indicated that Locally Engaged, s47E(c), s47F s47E(c), s47F Australian High Commission, Pretoria, s47E(c), s47F had granted visas in relation to a number of persons of interest. It was further reported that s47E(c), s47F may be granting visas for personal financial gain.

6. The report was subsequently referred to Integrity and Professional Standards Branch, DIBP.

7. s47E(c), s47E(d)

8.

9. On s47E(c) 2017, you appointed me to undertake an administrative investigation into s47E(c), s47F conduct.

10. s47E(c), s47E(d), s47F

11. s47E(c), s47F is a Case Officer who has been employed with the Australian High Commission in Pretoria since s47E(c), s47F was a colleague s47E(c), s47F of s47E(c), s47F

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Scope

12. This investigation considers allegations against s47E(c), s47F in the context of s47F employment under Local Labour Law and the LES Code of Conduct.

13. s47E(c), s47E(d)

14.

15.

16.

Investigation (Method)

17. An independent desktop review of the eleven s47E(d), s47F visas granted by s47E(c), s47F has been undertaken by subject matter expert, s22(1)(a)(ii) of the Visa Assessment and Cancellation Branch DIBP, in Canberra, Australia.
18. s22(1)(a)(ii) findings will be explored within this report and detailed comprehensively within associated attachments.
19. DIBP IT systems, documents and information have been reviewed in support of this investigation including human resources information and s47E(c), s47F's personnel file, Integrated Client Services Environment data, visa application documentation and particulars.
20. Principal Migration Officer, Pretoria, s22(1)(a)(ii) has been consulted in relation to the visa applications reviewed by s22(1)(a)(ii); and s22(1)(a)(ii) supports s22(1)(a)(ii) findings.

21. s47E(c), s47F

22.

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DETAILS AND EVIDENCE**General information**

23. s47E(c), s47F was originally employed as a s47E(c), s47F by the Australian High Commission in Pretoria, South Africa s47E(c), s47F
24. Case Officers receive training at Post in relation to visa assessment and granting regulations and procedures, conduct and ethics and integrity awareness. The training is conducted via a mix of on the job training, presentations and online training and awareness courses which are completed on an annual basis. Staff are also trained in relation to policy and procedural changes as required.
25. Departmental records indicate s47E(c), s47F has completed online training in the following courses within the last financial year:
- Visas – what is a visa? applying for a visa? making visa decisions and visa cancellations.
 - Migration – Assessment 1
 - Migration – Activity 1 through 6
 - Decision Making Principles
 - Principles of Effective Notification
 - Fraud and Corruption Awareness
 - Our Professional Standards

s47E(d)

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s47E(d)

s47E(c), s47F

Role as a Case Officer

27. On s47E(c), s47F 2017, Investigators interviewed s22(1)(a)(ii) Visa Assessment team. s22(1)(a)(ii) was s47E(c), s47F s22(1)(a)(ii).
28. s22(1)(a)(ii) advised that s47E(c), s47F was moved into the s47E(c), s47F Visa Section in s47E(c), s47F 2017. s22(1)(a)(ii) explained that s47E(c), s47F primary role was to assess s47E(c), s47F Visa' applications.
29. s22(1)(a)(ii) advised s47E(c), s47F was also required to assess s47E(c), s47E(d) s47E(c), s47E(d) visas. s47E(c), s47F
30. s22(1)(a)(ii) explained that s22(1)(a)(ii) would allocate applications to team members through the work management system, commensurate with their experience level and required caseload.
31. s47E(c), s47F
32. s47E(c), s47F
33. s22(1)(a)(ii) advised there would be no valid reason for s47E(c), s47F to review s47E(c), s47F caseload.
34. The cases explored within this report that were granted by s47E(c), s47F each relate to s47E(c), s47F and s47E(c), s47E(d) s47E(c), s47F
- The cases were not allocated to s47E(c), s47F by s22(1)(a)(ii)

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Individual Case Assessment Review

35. Australian based subject matter expert, s22(1)(a)(ii) was tasked by investigators to conduct an independent desktop review of the Eleven cases granted by s47E(c), s47F and each is explored within this report. In doing so s22(1)(a)(ii) considered:

- Relevant legislation, being the *Migration Act 1958* and the *Migration Regulations 1994*.
- Applicable information contained in the Department's Procedures Advice Manual 3.
- Ministers Direction 499, number 69 – Binding guidance on the granting of Temporary Student Visas.
- Documentation and information provided by the applicant.

36. s22(1)(a)(ii) assessments will be explored in relation to each case examined in allegations one to eleven later in this report.

s47E(c), s47E(d), s47F

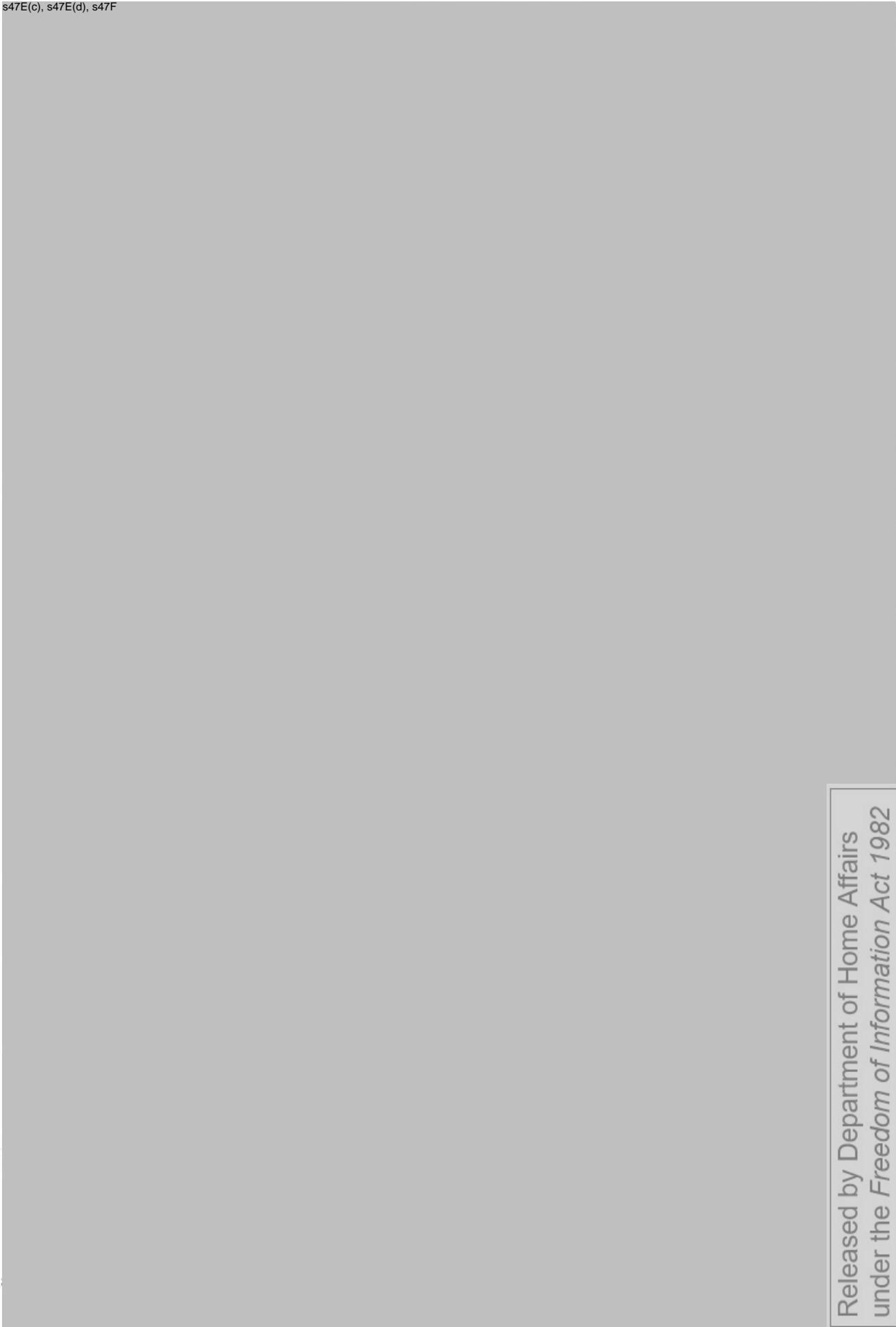
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s47E(c), s47E(d), s47F



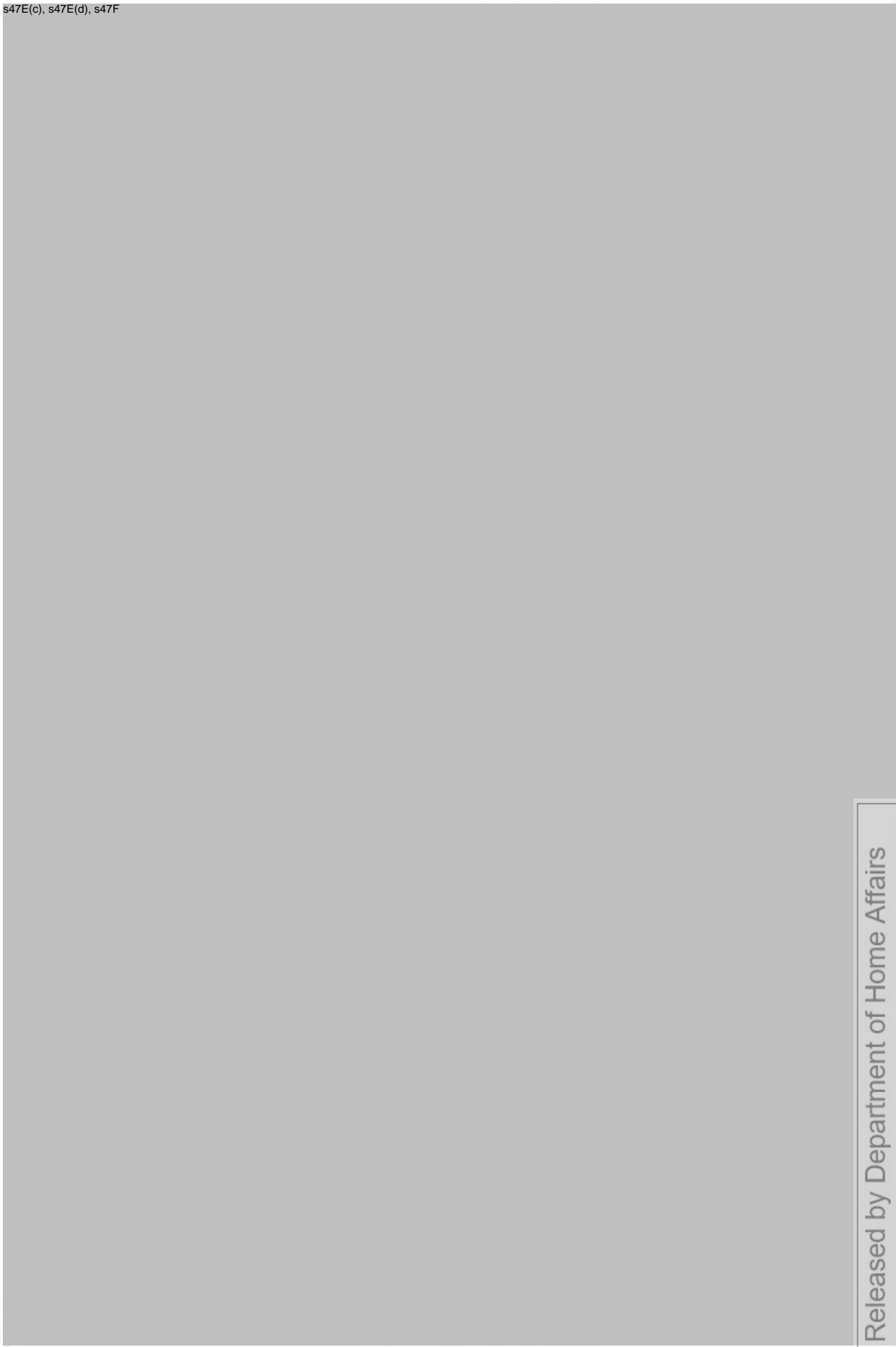
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s47E(c), s47E(d), s47F



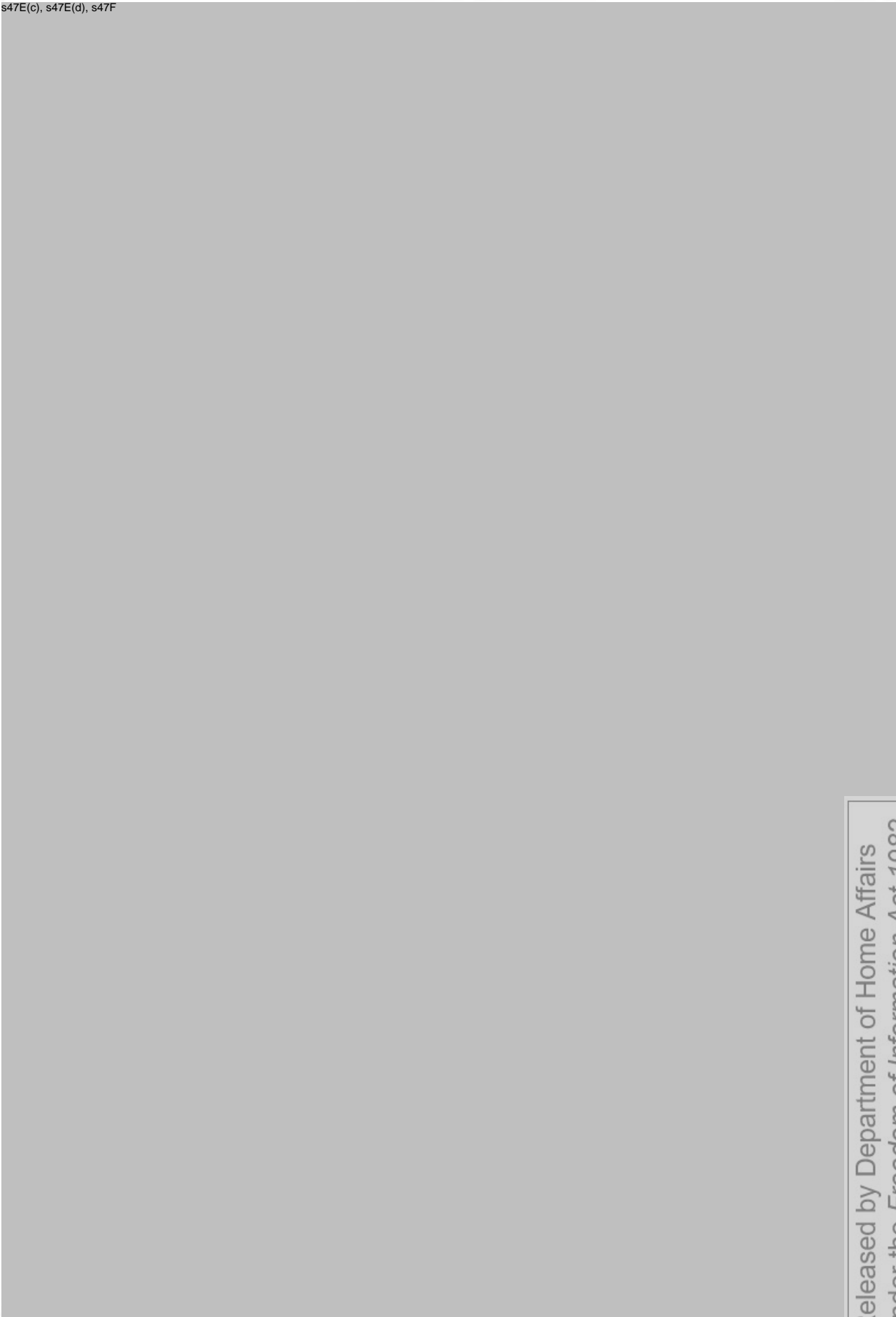
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s47E(c), s47E(d), s47F



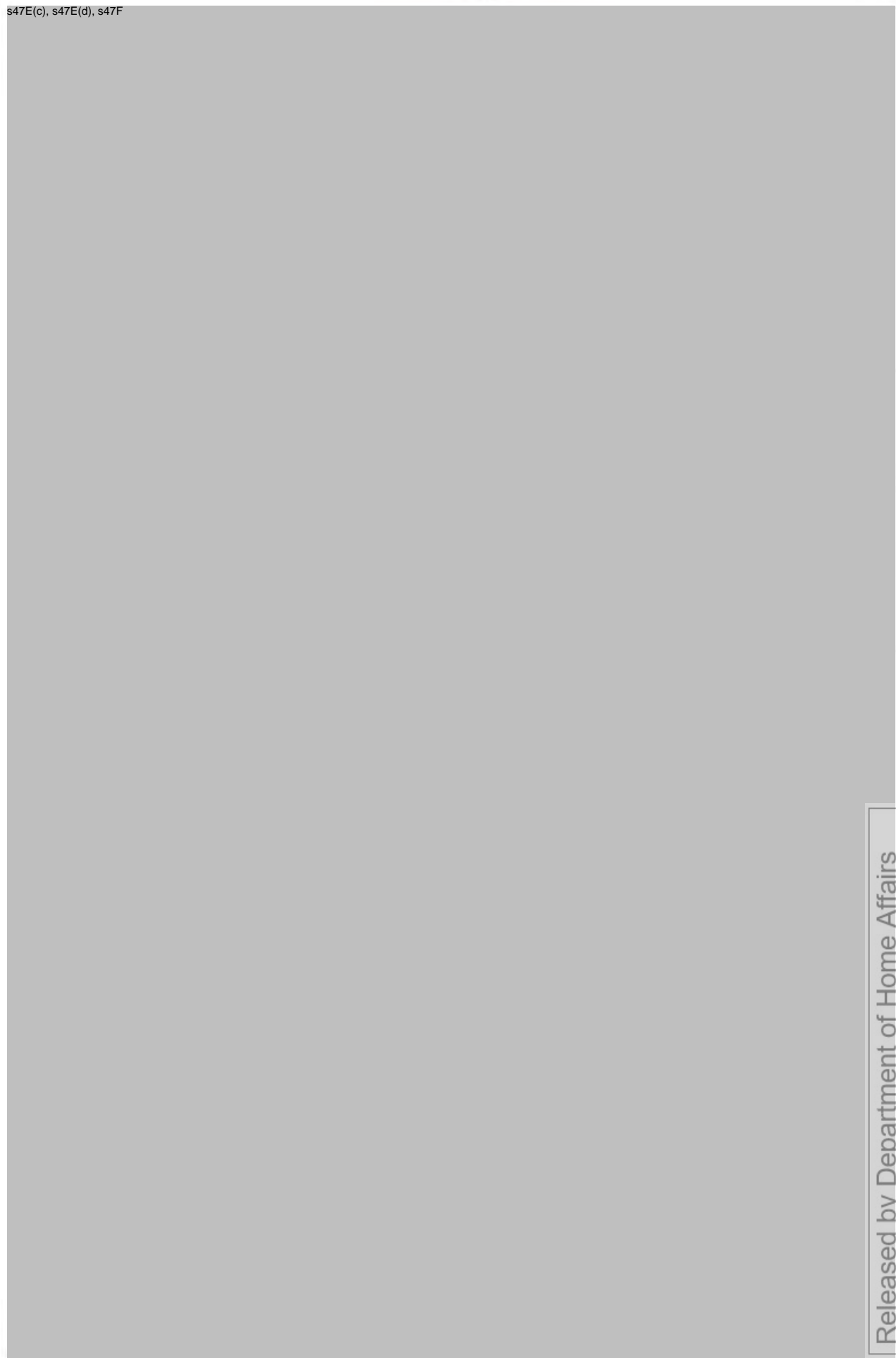
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s47E(c), s47E(d), s47F




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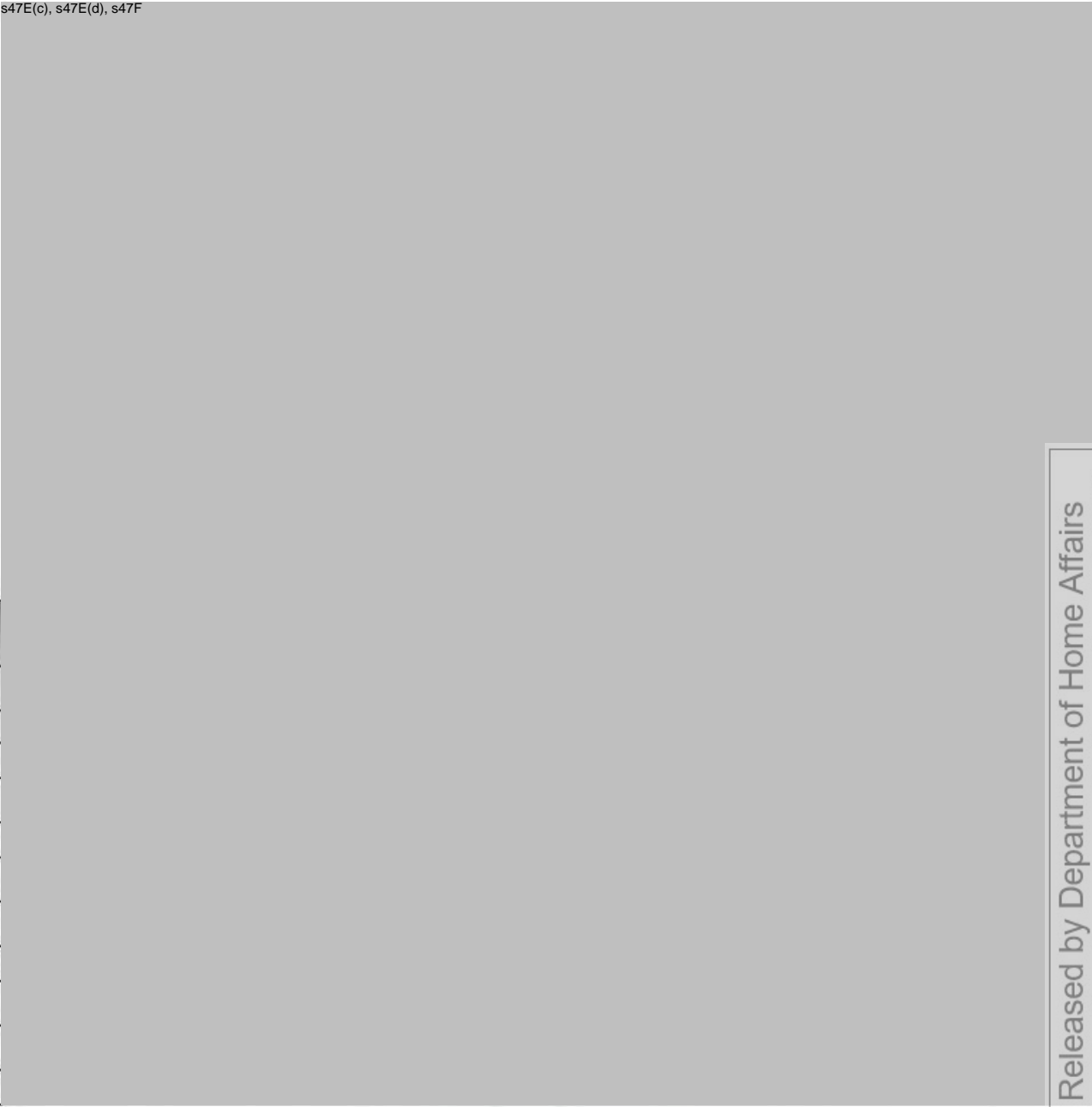
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s47E(c), s47E(d), s47F



s47E(c), s47E(d), s47F



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ALLEGATIONS

ALLEGATION ONE

s47F

75. It is alleged that on the 2nd s47F 2017, s47E(c), s47F issued a s47F) visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

76. s47E(c), s47F granted a s47E(d) Visa in relation to s47F on s47F 2017.

77. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47F 2017. s22(1)(a)(ii) concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d) and s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder."*

s47E(c), s47E(d), s47F

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ALLEGATION TWO

s47F

86. It is alleged that on the 2^{s47F} 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

87. s47E(c), s47F granted a s47F, s47E(d) Visa in relation to s47F on s47F 2017.

88. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47F 2017. s22(1)(a)(ii) concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d) and criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder."*

s47E(c), s47E(d), s47F

ALLEGATION THREE

s47F

94. It is alleged that on the 2^{s47F} 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

95. s47E(c), s47F granted a s47F, s47E(d) Visa in relation to s47F on s47F 2017.

96. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47F 2017. s22(1)(a)(ii) concluded:

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d) and criterion s47E(d)."

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SENSITIVE: PERSONAL

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s47E(d)). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder."

s47E(c), s47E(d), s47F

ALLEGATION FOUR

s47F

105. It is alleged that on the s47F 2017 s47E(c), s47F issued a s47E(d) visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

106. s47E(c), s47F granted a s47F, s47E(d) Visa in relation to s47F on s47F 2017.

107. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47E(c) 2017. s22(1)(a)(ii) concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder".*

s47E(c), s47F

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SENSITIVE: PERSONAL

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s47E(c), s47F

ALLEGATION FIVE

s47F

113. It is alleged that on the s47F 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

114. s47E(c), s47F granted a s47F, s47E(d) Visa in relation to s47F on s47F 2017.

115. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47E(c) 2017. s22(1)(a)(ii) concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d) criterion s47E(d) and criterion s47E(d) on this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder".*

s47E(c), s47E(d), s47F

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SENSITIVE: PERSONAL

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ALLEGATION SIX

s47F

123. It is alleged that on the s47F 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

124. s47E(c), s47F granted a s47E(d), s47F Visa in relation to s47F on s47F 2017.

125. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47E(c) 2017. s22(1)(a)(ii) concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d) and criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder."*

s47E(c), s47E(d), s47F

ALLEGATION SEVEN

s47F

134. It is alleged that on the s47F 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

135. s47E(d), s47F granted a s47F Visa in relation to s47F on s47F 2017.

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136. A review by ^{s22(1)(a)(ii)} of ^{s47F} visa was undertaken on ^{s47E(c)} 2017. ^{s22(1)(a)(ii)} concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that ^{s47F} failed to meet criterion ^{s47E(d)}. On this basis, I find the criteria for the grant of the ^{s47F} visa were **not** met by the visa holder".*

s47E(c), s47E(d), s47F

ALLEGATION EIGHT

s47F

143. It is alleged that on the ^{s47F} 2017, ^{s47E(c), s47F} issued a ^{s47F} visa to ^{s47F} in circumstances where the visa applicant was not genuine and that ^{s47E(c), s47F} knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing ^{s47F} visa output.
144. ^{s47F, s47E(c)} granted a ^{s47F} Visa in relation to ^{s47F} on ^{s47F} 2016.
145. A review by ^{s22(1)(a)(ii)} of ^{s47F} visa was undertaken in ^{s47E(c)} 2017. ^{s22(1)(a)(ii)} concluded;

"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that ^{s47F} failed to meet criterion ^{s47E(d)}. On this

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basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder."

s47E(c), s47E(d), s47F

ALLEGATION NINE

s47F

152. It is alleged that on the s47F 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

153. s47E(c), s47F granted a s47E(d), s47F Visa in relation to s47F on s47F 2017.

154. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47E(c) 2017. s22(1)(a)(ii) concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder."*

s47E(c), s47E(d), s47F

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s47E(c), s47E(d), s47F



ALLEGATION TEN

s47F



162. It is alleged that on the s47F 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing her visa output.

163. s47E(c), s47F granted a s47F Visa in relation to s47F on s47F 2017.

164. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47E(c) 2017. s22(1)(a)(ii) concluded:

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder".*

s47E(c), s47E(d), s47F



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ALLEGATION ELEVEN

s47F

170. It is alleged that on the s47F 2017, s47E(c), s47F issued a s47F visa to s47F in circumstances where the visa applicant was not genuine and that s47E(c), s47F knowingly disregarded visa assessment procedures in granting the visa with the intention of increasing s47F visa output.

171. s47E(c), s47F granted a s47E(d), s47F Visa in relation to s47F on s47F 2017.

172. A review by s22(1)(a)(ii) of s47F visa was undertaken in s47E(c) / 2017. s22(1)(a)(ii) concluded;

*"On the basis of all the information available to me, including the documents and information the visa holder provided, I find that s47F failed to meet criterion s47E(d). On this basis, I find the criteria for the grant of the s47F visa were **not** met by the visa holder".*

s47E(c), s47E(d), s47F

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SUMMARY FINDINGS ALLEGATIONS ONE TO ELEVEN

181. Each case outlined in allegations one to eleven involved ^{s47E(d), s47F} visa applications ^{s47E(d)} ^{s47E(d)} None were ^{s47E(d)} applications (which sit inside ^{s47F, s47E(c)} authorised caseload).

182. In each case ^{s47F, s47E(c)} granted the visa in circumstances where independent expert review indicated the application should **not** have been granted.

s47E(c), s47F, s47E(d)



187. No evidence has been identified at this time to indicate ^{s47F, s47E(c)} has received financial payment in order to grant the visas.

s47E(c), s47F, s47E(d)



189. ^{s47E(c), s47F} conduct in making visa decisions on the instruction of an officer outside ^{s47F} reporting line and without applying the requisite assessment standards and procedures demonstrates a serious departure from ^{s47F} responsibilities as a case officer. ^{s47F} conduct presents significant risk to the integrity of the visa programme and Australia's border security.

s47E(c), s47F, s47E(d)



191. At best, ^{s47E(c), s47F} conduct in failing to apply even the most basic assessment processes prior to granting these visas constitutes a failure on ^{s47F} part to discharge ^{s47F} duties with care and diligence.

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s47E(c), s47F, s47E(d)

193. I am satisfied that sufficient evidence exists on the balance of probabilities that s47F, s47E(c) did grant the eleven s47F visas explored within this report in circumstances where the visa applicant was not genuine and furthermore that s47E(c), s47F did not properly assess the application prior to granting the visa.

ALLEGATION TWELVE

s47E(c), s47F

SUMMARY FINDINGS ALLEGATION TWELVE

s47E(c), s47E(d), s47F

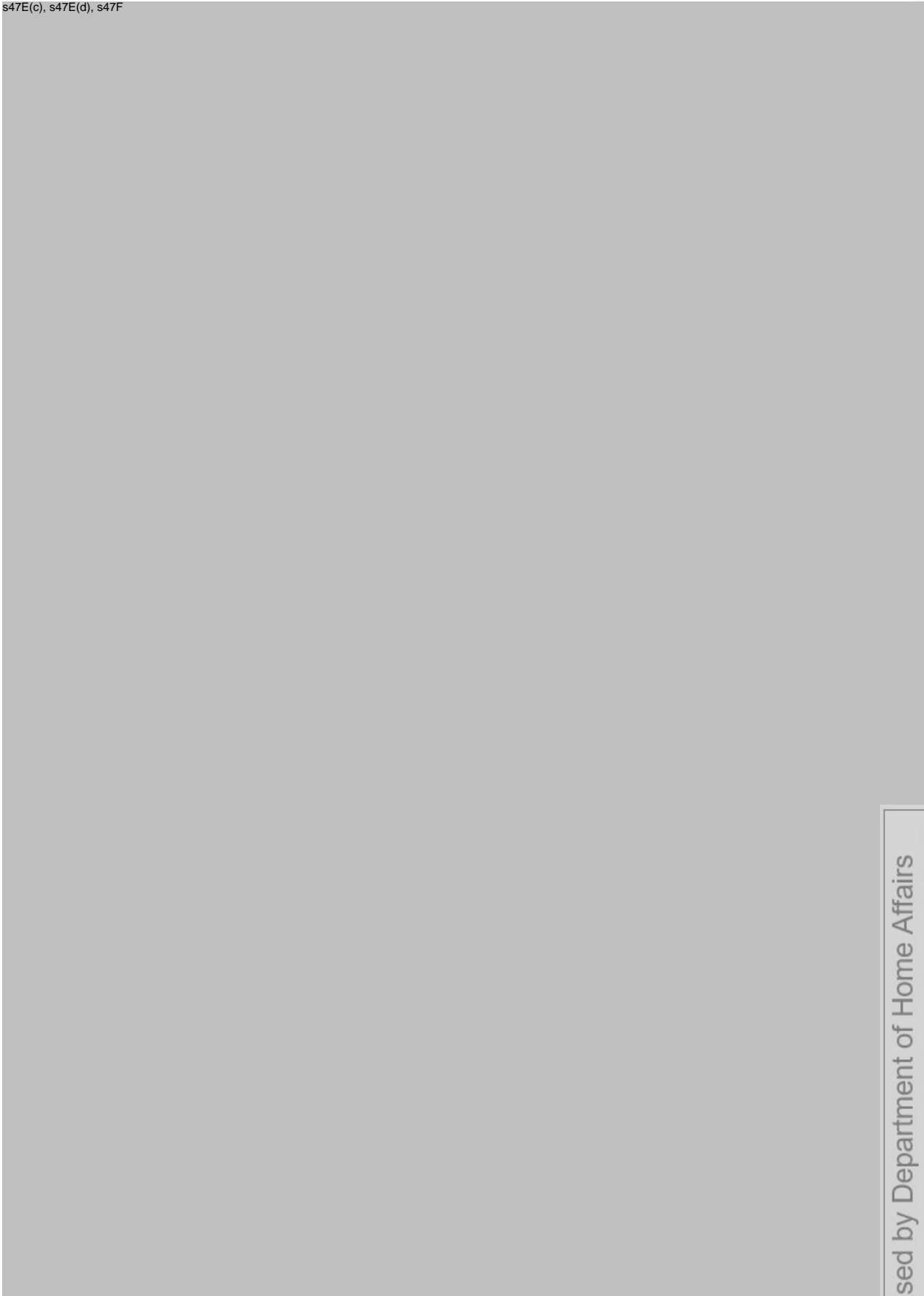
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s47E(c), s47E(d), s47F



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SENSITIVE: PERSONAL

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ALLEGATION THIRTEEN

209. It is alleged that ^{s47F, s47E(c)} failed to comply with a lawful and reasonable direction issued by the Regional Manager Africa DIBP. ^{s47E(c), s47F}

SUMMARY FINDINGS ALLEGATION THIRTEEN^{s47E(c), s47F}

212. I am satisfied on the balance of probabilities that ^{s47F, s47E(c)} did fail to comply with a lawful and reasonable direction issued by the Regional Manager Africa DIBP on ^{s47E(c), s47F} 2017.

CONCLUSION

213. The Australian High Commission relies upon ^{s47E(c), s47F} to undertake the visa assessment process robustly, competently, proficiently and with integrity. My investigation indicates ^{s47E(c), s47F} has failed to perform ^{s47E(c), s47F} duties to this standard.

214. ^{s47E(c), s47F} has granted visas to ^{s47F, s47E(d)} ^{s47E(c), s47F} without applying appropriate visa assessment processes and scrutiny to support ^{s47F} decision making.

215. ^{s47E(c), s47F} has acknowledged ^{s47E(c)} understanding of the LES Code of Conduct and undertaken to comply with those standards. The LES Code of Conduct explains the expectation of LES to '*observe the same high standard of conduct, honesty and integrity as that required of APS employees*'. ^{s47E(c), s47F} conduct demonstrates a serious departure from that commitment and presents a serious risk to Australia's Visa Management Programme and border security.

216. ^{s47E(c), s47F} behaviour constitutes serious misconduct and presents an abuse of ^{s47F} appointment to a position of trust. ^{s47E(c), s47F} has demonstrated ^{s47F} cannot be trusted to perform the role of a Case Officer responsible for making visa decisions.

217. ^{s47E(c), s47F} had no legitimate reason to access the visa applications provided to ^{s47F} by ^{s47E(c), s47F} as these were outside ^{s47F} usual caseload.

218. ^{s47E(c), s47F} conduct ^{s47E(c), s47F} ^{s47F} presents a significant breach in the trust placed in ^{s47F} by the Australian High

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Commission, Pretoria (and ultimately of the Australian Government) in [s47F] role as a Case Officer.

219. On the information available, I am satisfied that sufficient evidence exists to support the burden of proof required, that [s47E(c), s47F] has breached the conditions of [s47F] employment under Local Labour Law. Specifically, [s47F] has knowingly and intentionally failed to follow standing procedures and instructions in respect of the granting of entry visas to Australia.

220. [s47E(c), s47F]

221. [s47E(c), s47F] has breached the duty of honesty and good faith owed to the employer by all employees, by deliberately failing to discharge [s47F] duties to the standard expected in order to skew reporting figures relating to [s47F] visa assessment timeframes. [s47F] has admitted to having knowledge of, and having been trained in the appropriate procedures for granting of visas, and has also conceded that [s47F] has attended training on ethical behavioural standards, but in the face of this knowledge, undertook acts which are completely at odds with these standards.

222. [s47E(c), s47F] failed to comply with a lawful and reasonable direction issued by someone with the appropriate authority to issue the direction and attempted to mislead investigators. In doing so, [s47E(c), s47F] has entirely destroyed the trust relationship, upon which employment depends, and by [s47F] actions, rendered [s47F] employment with the Australian High Commission untenable.

223. In relation to [s47E(c), s47F] obligations under the LES Code of Conduct, sufficient evidence exists to conclude on the balance of probabilities that [s47E(c), s47F] has breached each of the following elements:

LES code of Conduct 3.4.10

1. An employee must at all times behave in a way that upholds the integrity and good reputation of the Embassy, High Commission, Consulate or Business Office.
5. An employee must behave honestly and with integrity in connection with his or her employment with the Embassy, High Commission, Consulate or Business Office.
7. An employee must act with care and diligence in connection with his or her employment with the Embassy, High Commission, Consulate or Business Office.
8. In his or her duties an employee must:
 - be fair and impartial;
 - give persons likely to be affected by a decision an opportunity to have their case considered;
 - be prompt;

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- explain the reasons for action/decisions; and
- at all times act according to local law and applicable Australian law.

11. An employee must comply with any lawful and reasonable direction given by a person in Embassy, High Commission, Consulate or Business Office who has the authority to give the direction.

26. An employee must not, in connection with his or her employment in the Embassy, High Commission, Consulate or Business Office, provide false or misleading information in response to a request for information that is made for official purposes.

RECOMMENDATION

224. That you advise ^{s47E(c), s47F} that sufficient evidence exists, in accordance with the departmental procedures for handling misconduct as contained within the DFAT Conduct and Ethics Manual, to satisfy the burden of proof required that ^{s47F} has breached the LES Code of Conduct and the conditions of ^{s47F} employment under Local Labour law.

QUALIFICATIONS


225. The comments made and conclusions drawn herein are based on information obtained during the course of this investigation in accordance with the Australian Government Investigations Standards.

s22(1)(a)(ii)



Investigator

s47E(c), s47F, s47E(d)



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PROTECTED**Australian Government****Department of Foreign Affairs and Trade****INVESTIGATION REPORT****DATE:** s47E(c) 2014

ATTENTION: s22(1)(a)(ii)
 Australian Ambassador
 Australian Embassy
 s47E(c), s47F

OUR REF: WRCS 92/2014:**POTENTIAL BREACHES OF REQUIREMENTS THAT:**

An employee must at all times behave in a way that upholds the integrity and good reputation of the Embassy.

An employee must behave honestly and with integrity in the course of their employment with the Australian Embassy.

OFFICER SUSPECTED

s47E(c), s47F

BREACHES ALLEGED

Australian Embassy s47E(c), s47F
Code of Conduct

LOCATION

s47E(c), s47F

PRIMARY INVESTIGATOR

s22(1)(a)(ii), DIBP

PURPOSE

To advise of the Department of Immigration and Border Protection (DIBP) Workplace Relations and Conduct Section (WRCS) investigation into allegations ^{s47E(c), s47F} [REDACTED] Locally Engaged Employee (LEE), Australian High Commission (AHC), ^{s47E(c), s47F} [REDACTED] may have breached the Australian Embassy ^{s47E(c), s47F} [REDACTED] Code of Conduct, ^{s47E(c), s47F} [REDACTED]. This report is for your consideration as the Head of Mission to now determine if a formal disciplinary process is warranted in accordance with the procedures outlined in the DFAT Conduct and Ethics Manual.

LEE STAFF PARTICULARS

OFFICER : ^{s47E(c), s47F} [REDACTED]

ADDRESS : Australian Embassy, ^{s47E(c), s47F} [REDACTED]
[REDACTED]

PHONE NUMBERS : ^{s47E(c), s47F} [REDACTED]

NATIONALITY : ^{s47E(c), s47F} [REDACTED]

EMPLOYMENT PARTICULARS

OCCUPATION : Locally Engaged Employee

EMPLOYEE PAST WORK & HISTORY

PREVIOUS WORK EXPERIENCE : ^{s47E(c), s47F} [REDACTED]

ANY PREVIOUS COMPLAINTS PERFORMANCE ISSUES : Nil known

INCIDENT PARTICULARS

DATE OF ALLEGED INCIDENT : ^{s47E(c), s47F} [REDACTED] 2014

BRIEF SUMMARY OF ALLEGATIONS : On ^{s47E(c), s47F} [REDACTED] 2014, the WRCS received information from ^{s22(1)(a)(ii)} [REDACTED], Border Operations Management Team that ^{s47E(c), s47F} [REDACTED], an LEE, ^{s47E(c), s47F} [REDACTED] had accessed personal information within the movement records TRIPS data base relating to ^{s47F} [REDACTED] belonged to ^{s47F} [REDACTED]. The access was alleged to have occurred on ^{s47E(c), s47F} [REDACTED] 2014, ^{s47E(c), s47F} [REDACTED].

WITNESSES TO INCIDENT : See Executive summary

PREVIOUS RELATED INCIDENTS REPORTED OR IDENTIFIED : N/A

REPRESENTATION

LEGAL REPRESENTATION : N/A

EXECUTIVE SUMMARY

s22(1)(a)(ii), Border Operations Management Team, DIBP, provided WRCS an audit report indicating s47E(c), s47F, an LES, s47E(c), s47F on s47E(c), s47F 2014, accessed personal information within the movement records (MR) TRIPS data base and ICSE database, relating to s47F to which she was not authorised to do so.

INVESTIGATION

As a result of the allegation, WRCS conducted an Integrated Client Service Environment (ICSE) access audit on departmental User ID s47E(c), s47F (belonging to s47E(c), s47F), s47E(c), s47F. Upon reviewing the audit it was identified that User ID s47E(c), s47F had accessed ICSE on s47E(c), s47F 2014 and entered the record of Client Identification (CID) s47F. This CID bearing the details of s47F provides access to MR details s47F also belonging to s47F, s47E(c), s47F.

On 4 April 2014, WRCS Investigator s22(1)(a)(ii) was selected by the Australian Ambassador, Australian Embassy, s47E(c), s47F to investigate and determine if the LES Code of Conduct had been breached by s47E(c), s47F, s47E(c), s47F.

On 5 June 2014, s47E(c), s47F was contacted via email by WRCS and advised in writing of the investigation being conducted in relation to s47E(c), s47F alleged unauthorised access to the departments client databases MR and ICSE. s47E(c), s47F was also provided with a number of questions relating to the matter. Copies of the documents provided are enclosed at s47E(c), s47F.

At 1336h that day, s47E(c), s47F replied to the questions relating to s47E(c), s47F alleged access to the departments databases bearing the details of s47F, s47E(c), s47F.

s22(1)(a)(ii) First Secretary Immigration (Integrity), Australian Embassy s47E(c), s47F assisted s47E(c), s47F in responding to the allegations against s47E(c), s47F and indicated s47E(c), s47F understood the questions provided and was aware of the possible ramifications. s22(1)(a)(ii) has further stated s47E(c), s47F is generally very professional both as a visa officer and supervisor of others within the team, s47E(c), s47F.

The salient information provided by s47E(c), s47F is listed below:

- s47E(c), s47F
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- s47E(c), s47F
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FINDINGS:

In accordance with the Department of Foreign Affairs and Trade's Conduct and Ethics Manual, for a decision to be made as to whether or not a breach of the Australian Embassy s47E(c), s47F Code of Conduct has been committed, I have relied upon the following evidence, as it applies to each of the alleged breaches of the Code.

- The Australian Embassy s47E(c), s47F Code of Conduct
- The DFAT Conduct and Ethics Manual (July 2012)
- s47E(c), s47F
- Integrated Client Service Environment (ICSE) access audit on User ID s47E(c), s47F dated s47E(c), s47F 2014
- ICSE record s47E(c), s47F – Client ID s47E(c), s47F
- Questions from the investigator and answers provided by s47E(c), s47F of the alleged breach of Australian Embassy s47E(c), s47F Code of Conduct received on s47E(c), s47F 2014
- Emails from s22(1)(a)(ii) PMO, on s47E(c), s47F 2014 and s47E(c), s47F 2014.

Alleged Breach

An employee must at all times behave in a way that upholds the integrity and good reputation of the Embassy.

Evidence Considered

- An audit report provided by Border Operations Management Team identifying User ID s47E(c), s47F as accessing MR, s47F, belonging to s47F on s47E(c), s47F 2014 s47F.
- An ICSE access audit report for User ID s47E(c), s47F on s47E(c), s47F 2014 identifying access by User ID s47E(c), s47F to Client ID s47F.
- Response by s47E(c), s47F to questions of the allegation where s47E(c), s47F indicated s47E(c), s47F had accessed the details of s47F on the ICSE database s47F and that s47E(c), s47F had no business need to access.

Mitigating factors

I considered that s47E(c), s47F is generally a very good worker and supervisor of the however note that s47E(c), s47F has been working for DFAT within DIPB for s47E(c), s47F years s47E(c), s47F.

I have further taken into account that s47E(c), s47F was aware that s47E(c), s47F was not permitted to access the ICSE database without an authorised purpose.

Findings

I have determined, on the balance of probabilities, that [redacted] by actions on [redacted] 2014 in accessing the client details of [redacted], did lack integrity and failed to uphold the good reputation of the Australian Embassy [redacted] as the access [redacted] did not pertain to a business need. I am satisfied that [redacted] did behave without integrity and have determined that [redacted] breached this element of the Australian Embassy [redacted] Code of Conduct.

RECOMMENDATIONS

As [redacted] has made admissions and these admissions are coupled with corroborative evidence, you now have the following options available to you:

- Option 1** Sufficient evidence exists, that in accordance with the departmental procedures for handling misconduct as contained within the DFAT Conduct and Ethics Manual that you now consider the appointment of an Independent Determining Officer. The Determining Officer if appointed, will review the evidence and report to you, on whether or not it is determined that [redacted] has breached the LES Code of Conduct.
- Option 2** Given the admissions provided by [redacted] and the corroborative evidence at hand, you may now be satisfied with my findings that sufficient evidence exists to support the burden of proof required, without the need to refer this matter to a Determining Officer and proceed to considering an appropriate sanction or other appropriate action.

QUALIFICATIONS

The comments made and conclusions drawn herein are based on information obtained during the course of this investigation. The information contained in this report has been obtained under the provisions of the National Privacy Principles and in accordance with the Australian Government Investigations Standards.

[redacted]
s22(1)(a)(ii)

Assistant Director (Investigations)
Workplace Relations and Conduct Section
Department of Immigration and Border Protection
Telephone: (02) [redacted]
Mobile: [redacted]
Email: [redacted] @immi.gov.au

[redacted]
s47E(c), s47F



Australian Government

Department of Immigration
and Border Protection

PROTECTED

ASSESSMENT REPORT

I&PS 2015/365

Allegations of corruption made against a locally engaged Australian Embassy employee in ^{s47E(c), s47F}

Executive Summary

- In ^{s47E(c), s47F} 2015, ^{s47E(c), s47F} alleged that a locally engaged Department of Immigration and Border Protection (DIBP) employee at the Australian Embassy ^{s47E(c), s47F} and ^{s47E(c), s47F} were colluding to extort additional visa application fees by refusing applications on illegitimate grounds.
- ^{s47E(c), s47F}
-
-
-
-
- After reviewing all available information, and noting that no other complaints against ^{s47E(c), s47F} have been received, the allegations could not be substantiated. It is therefore UNLIKELY that ^{s47E(c), s47F} was colluding ^{s47E(c), s47F} to obtain additional visa application fees.

This information has been disclosed by the Department of Immigration and Border Protection (DIBP) under Part 6 of the Australian Border Force Act 2015 (Cth). The recipient organisation is required to comply with applicable privacy legislation including relating to the use, storage, and disclosure of this information.

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Purpose

1. This report assesses allegations that a locally engaged employee at the Australian Embassy in ^{s47E(c), s47F} was colluding with ^{s47E(c), s47F} to extort additional visa application fees by refusing applications on illegitimate grounds.

Background

2. On ^{s47E(c), s47F} 2015, Integrity and Professional Standards (I&PS) was advised of an ^{s47E(c), s47F} allegation made by ^{s47E(c), s47F} ^{s47E(c), s47F} alleged that a locally engaged Department of Immigration and Border Protection (DIBP) employee at the Australian Embassy ^{s47E(c), s47F} and ^{s47E(c), s47F} were colluding to extort additional visa application fees by refusing applications on illegitimate grounds.

^{s47E(c), s47F}

8. ^{s47E(c), s47F} Post staff have since reviewed and supported ^{s47E(c), s47F} decision to refuse ^{s47F} visa, indicating that ^{s47E(c), s47F} assessment was consistent with the supporting documents received from ^{s47F} at the time of the decision. ^{s47E(c)} it is PROBABLE that the allegations made by ^{s47F} were frivolous based on ^{s47F} disappointment with the decision to deny ^{s47F} a visa. ^{s47E(c)}

^{s47E(c), s47F}

¹ ICSE Client ID's 13761405284 and 19828399360.

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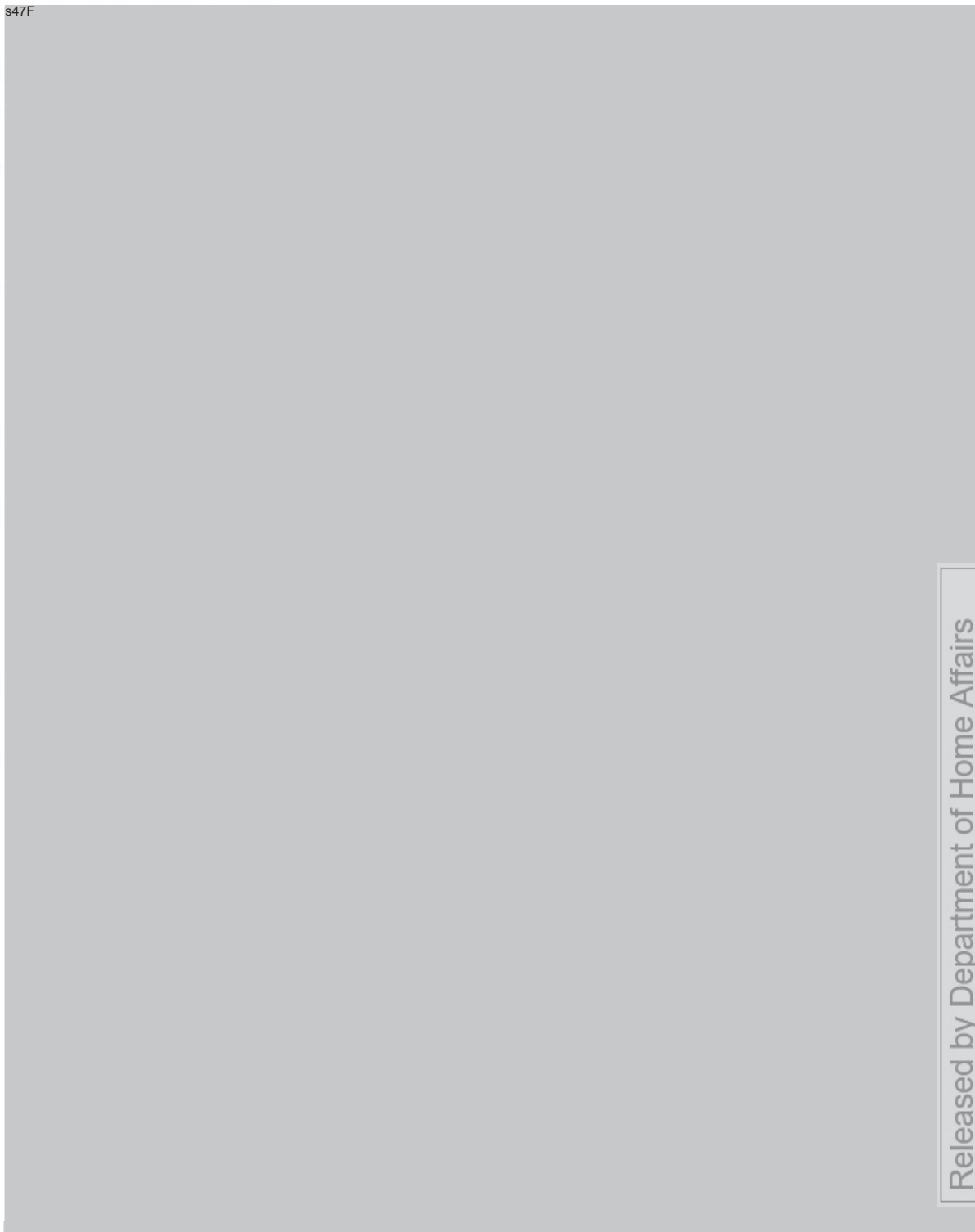
s47E(c), s47F



s47F

**Information Obtained**

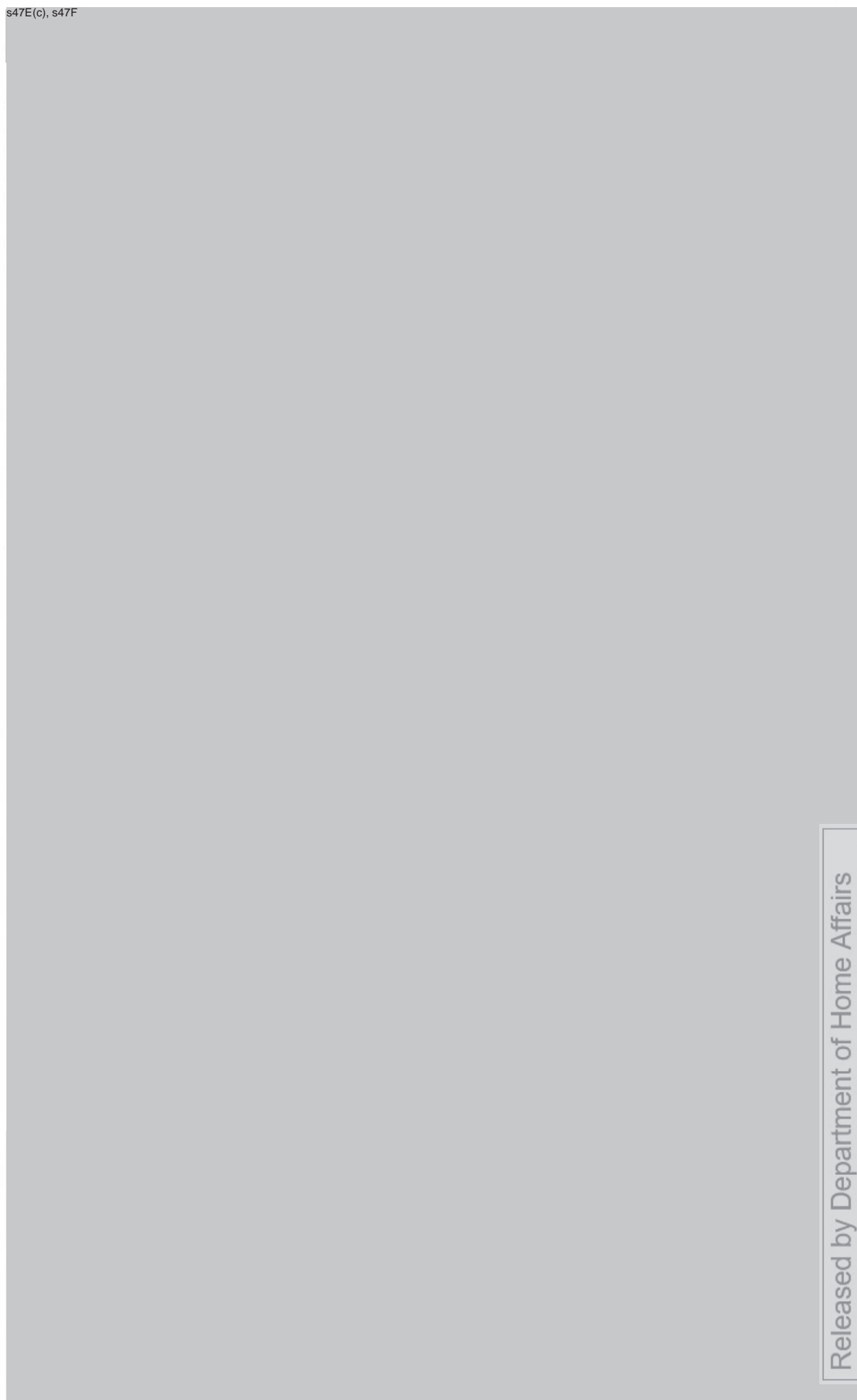
s47F



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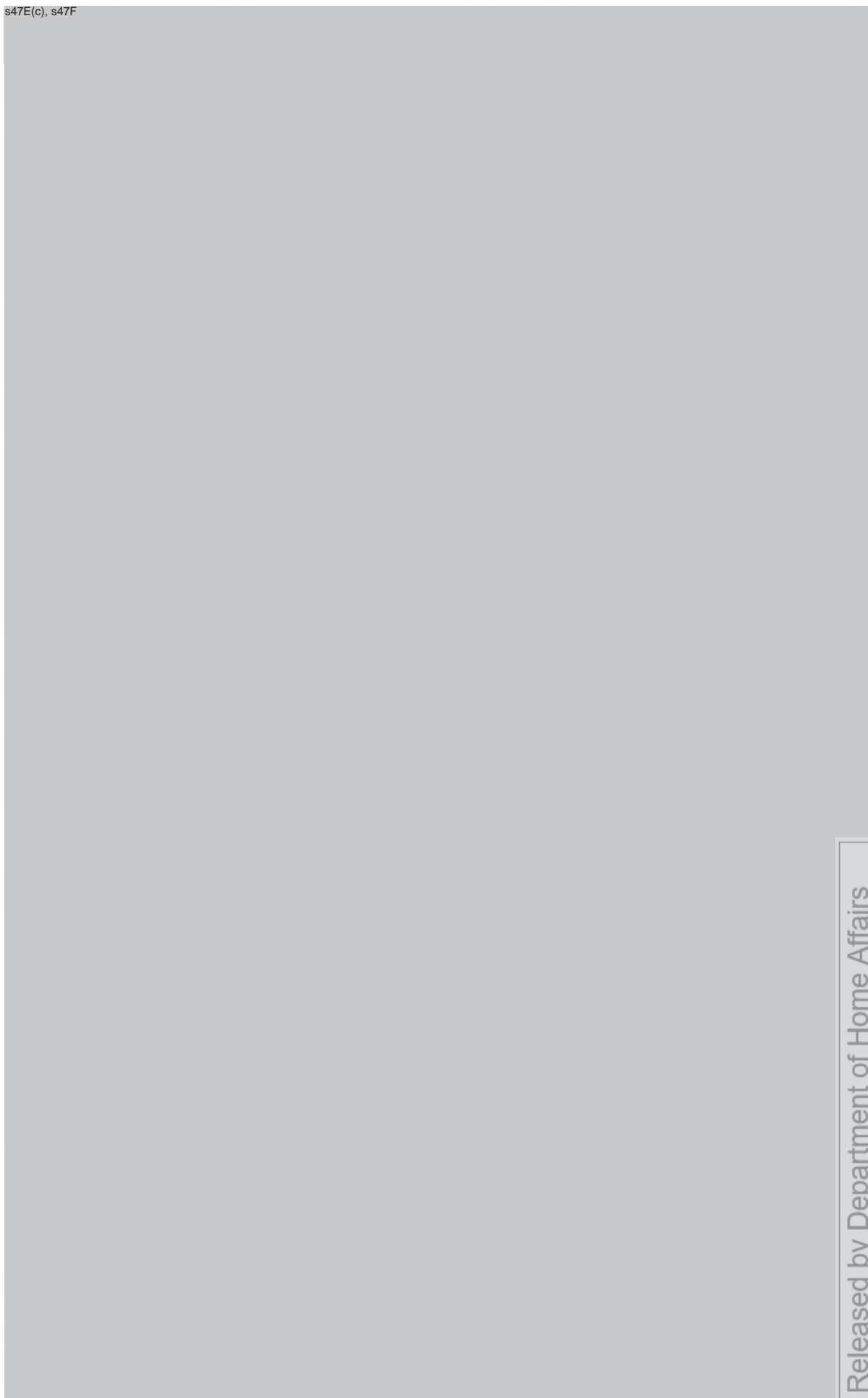
s47E(c), s47F



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s47E(c), s47F



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s47E(c), s47F

Assessment

34. Based on the information obtained, it is PROBABLE that the initial assessment made by I&PS, that the allegations made by s47F were frivolous, was accurate.

35. s47E(d) s47F in s47F initial visa application were deemed legitimate grounds to refuse the application.

36. After reviewing all available information, s47F, s47E(c) s47E(c), the allegations could not be substantiated. It is therefore UNLIKELY that s47E(c), s47F were colluding to gain additional visa application fees.

s47E(c), s47F

Recommendation/s

39. The following recommendations should be considered:

- a. A copy of this report is provided to the s47E(c) for information
- b. A copy of this report is retained by I&PS s47E(c), and
- c. s47E(c), s47F

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Prepared by:

s22(1)(a)(ii)

Cleared by:

Date Released:

Distribution:

Assistant Secretary, I&PS

s47E(d)

Recommendations agreed / not agreed / please discuss

s22(1)(a)(ii)

David Whitfield
Assistant Secretary
Integrity, Security and Assurance Division

19 September 2016

s47E(c), s47F

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Australian Government
Department of Immigration
and Border Protection

I&PS Case No: 2015/464

s47E(c)

s22(1)(a)(ii)

Acting Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

Investigation Report – DIBP employee allegedly accepting bribes for visa processing
 in s47E(c), s47F

Purpose

1. This report provides an outcome to investigation I&PS 2015/464 s47E(c)

The investigation involved an allegation a Department of Immigration and Border Protection (DIBP) employee may be involved in corrupt conduct s47E(c)

s47E(c)

Background

2. On s47E(c), s47F 2015, Integrity and Professional Standards Branch (I&PS) received an allegation that DIBP Locally Engaged Employee (LEE), s47E(c), s47F within the Immigration Office, Australian Consulate General, s47E(c), s47F was willing to accept bribes from a large travel agency for 'favours'.

3. s47E(c)

- 4.

Investigation

5. On s47E(c), s47F 2016, I&PS contacted s22(1)(a)(ii) Australian Consulate General, s47E(c), s47F s22(1)(a)(ii) was requested to review and report on s47E(c), s47F compliance activities, including a risk assessment in relation to s47E(c), s47F role and responsibilities in recommending or granting of visas.

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6. On ^{s47E(c), s47F} 2016, ^{s22(1)(a)(ii)} provided a report including a risk assessment. The report did not identify actions or duties performed by ^{s47E(c), s47F} that involved or were likely to involve corrupt conduct. The report also provided context on immigration operations undertaken by ^{s47E(c), s47F} and highlighted integrity measures already in place to monitor employees involved in visa processing.
7. ^{s47E(c), s47F}
8. At the time of the allegation in ^{s47E(c), s47F} The duties of ^{s47E(c), s47F} consisted of managing incoming applications from both Australian Visa Application Centres (AVAC) and Foreign Affairs Offices (FAO); or from travel agents who may have been lodging applications for large groups outside of the Approved Destination Scheme (ADS). The ADS is a Chinese arrangement for tour groups to travel abroad.
9. ^{s47E(c), s47F} is generally required to manage the speed and quality of the workflow, monitor ^{s47E(c), s47F} team members, manage various stakeholder relationships, undertake training and mentoring activity, and support the delivery of the visa program.
10. ^{s47E(c), s47F}
11. A subsequent CMO review of 68 visas assessed by the team of ^{s47E(c), s47F} during the period 1 January - 30 April 2015, did not identify issues or concerns. ^{s22(1)(a)(ii)} further indicated ^{s22(1)(a)(ii)} was satisfied that the visa processing office structure, work allocation and specific monitoring within the office was sufficient to mitigate potential risk.

Conclusion

12. The I&PS investigation has resulted in identifying the following:

- ^{s47E(c), s47F} is a high performer in the Immigration Office ^{s47E(c), s47F} and does not approve visa applications independently.
- ^{s47E(c), s47F}
- There is no evidence linking ^{s47E(c), s47F} to corrupt conduct.
- Risk and integrity measures including monitoring of visa approvals are in place within the ^{s47E(c), s47F} Visa Office.

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SENSITIVE: PERSONAL

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Recommendation

13. As a result of information obtained during the course of this investigation, it is recommended:

- I&PS do not conduct further enquiries into this allegation.
- Unless further information is forthcoming that would alter the outcome of this matter; no further report will be submitted.
- ^{s47E(c)} [REDACTED]
- I&PS retain the information contained in this report ^{s47E(c)} [REDACTED]

^{s22(1)(a)(ii)} [REDACTED]

Investigator, ^{s47E(c)} [REDACTED]
Integrity and Professional Standards

23 November 2016

^{s22(1)(a)(ii)} [REDACTED]

Cleared by:

Director, ^{s47E(c)} [REDACTED]

I&PS Branch

Date Released:

23 November 2016

Distribution:

Acting Assistant Secretary, I&PS Branch

Recommendation agreed / not agreed / please discuss

^{s22(1)(a)(ii)} [REDACTED]

Acting Assistant Secretary
Integrity and Professional Standards
Delegate of the Secretary

23 November 2016

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Sensitive: Personal

SCHEDULE

s47E(c)

I&PS Reference – 2015/496

s47E(c)

Details

Referral received on 28/05/2015.

On 1/04/2015 an email was sent to the Minister for the then Department of Immigration and Border Protection, the Hon Peter Dutton MP, by a member of the public.

The email contained an allegation that:

- s47F [REDACTED] had married overseas, but was still legally married in Australia to an Australian citizen.
- s47F, s47E(c) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

s47E(c)

s47E(c)

Enquiries established:

- s47F, s47E(c) [REDACTED] was a Locally Engaged Employee (LEE) at s47F, s47E(c) [REDACTED]
- s47F, s47E(c) [REDACTED] was the case officer for the visa applications in question and it was s47F, s47E(c) [REDACTED] role to process and assess the applications and provide her recommendation, as to whether the visa applications should be granted or refused, to a Senior Migration Officer (SMO) for decision.
- A review of the relevant records conducted by s47F, s47E(c) [REDACTED] Post and by I&PS did not locate any evidence to suggest that s47F, s47E(c) [REDACTED] did not appropriately process and assess the visa applications.
- s47F, s47E(c) [REDACTED] followed-up with s47F, s47E(c) [REDACTED] on multiple occasions in relation to the provision of outstanding documents and referred documents of concern s47F, s47E(c) [REDACTED] to the s47F, s47E(c) [REDACTED] Post's Integrity Unit for scrutiny. The documents of concern were assessed as genuine by the Integrity Unit, not by s47F, s47E(c) [REDACTED]

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- The visa applications were approved by an SMO, not by ^{s47F, s47E(c)} (no LEE at ^{s47F, s47E(c)} Post is authorised to grant a permanent visa). ^{s47F, s47E(c)} did recommend to the SMO that the visa applications be granted, but a review of the relevant records did not locate any evidence to suggest these recommendations were inappropriate.
- ^{s47F, s47E(c)} Post advised that they had examined ^{s47F, s47E(c)} personnel file and could not locate any instances where ^{s47F, s47E(c)} character or professionalism was called into question.
- ^{s47F, s47E(c)} Post advised there are a number of safe guards in place at the ^{s47F, s47E(c)} Post to help mitigate corruption, including:
 - All permanent visa decisions are made by an SMO, and
 - Local escalation procedures ensure that any integrity issues identified on a case are provided to the Integrity Unit for further scrutiny.

s47E(c), s47F

- There appears to be no evidence, based on the enquiries undertaken, to support the allegation ^{s47F, s47E(c)} did not follow the appropriate processes or go through the appropriate channels when processing the visa applications.
- ^{s47F, s47E(c)} Post has a number of safeguards in place in relation to visa processing to mitigate the risk of corruption.

- ^{s47E(c), s47E(d)}

Recommendations:

1. The ^{s47E(c)} case in ^{s47E(c)} be closed ^{s47E(c), s47E(d)}
2. ^{s47E(c)}

Agreed/Not Agreed

Belinda Gill
Assistant Secretary
Integrity and Professional Standards Branch

03/04/2019

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Australian Government
Department of Immigration
and Border Protection

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I&PS Case No: 2015/726

s47E(d)

s22(1)(a)(ii)

Acting Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

Investigation Report – Alleged corruption involving DIBP employees accepting bribes for visa processing at s47E(c), s47F

Purpose

1. This report provides an outcome to investigation I&PS 2015/726 s47E(d).
 The investigation involved an allegation Department of Immigration and Border Protection (DIBP) employees may be involved in corrupt conduct s47E(d).

Background

2. On s47E(c), s47F s47E(c), s47F Australian Border Force (ABF), s47E(c), s47F reported an allegation of possible corrupt conduct involving two Locally Engaged Employees (LEEs) of the Australian High Commission (AHC), s47E(c), s47F.
3. s47E(c), s47F national, stated to s47E(c), s47F that two LEEs, s47E(c), s47F had asked for a payment s47E(c), s47F to process a visa application in 2014. The alleged bribe occurred at a private party attended by s47E(c), s47F claims s47E(c), s47F did not pay for the visa application.
4. s47E(c), s47F further alleged that on s47E(c), s47F 2015, s47E(c), s47F made another visa application for s47E(c), s47F to travel to Australia on s47E(c), s47F 2015, which had not been granted. s47E(c), s47F sought information from s47E(c), s47F as to what s47E(c), s47F could do to remedy the visa not being granted, believing that it was linked to s47E(c), s47F refusal to pay for an application in 2014.
5. On s47E(c), s47F 2015, Integrity and Professional Standards (I&PS) Branch notified the matter to s47E(d).
6. On s47E(d) 2016, s47E(d) assessed the notification identifying the Department should continue to investigate the matter s47E(d).

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Investigation

7. Enquiries by I&PS identified [REDACTED] as two AHC LEEs likely to be those identified by [REDACTED]. Both [REDACTED] had access to the Department's visa system.
8. An audit of the Integrated Client Service Environment (ICSE) confirmed that [REDACTED] was granted a visa processed and approved by [REDACTED] of the AHC on [REDACTED] 2014.
9. On [REDACTED] 2015, [REDACTED] was granted a visa which was processed and approved by [REDACTED].
10. The ICSE audit also identifies that [REDACTED] accessed [REDACTED] client details on [REDACTED] 2014, which is considered consistent with the duty of [REDACTED] at AHC. There is no record of [REDACTED] accessing [REDACTED] client details in 2014.
11. Departmental records do not identify [REDACTED] making a visa application on [REDACTED] 2015 to travel to Australia with [REDACTED] as alleged to [REDACTED]. There is also no record of a visa application for travel on [REDACTED] 2015, relating to [REDACTED].

Conclusion

12. The I&PS investigation has resulted in the following outcome:
- Information has not been forthcoming to support evidence of the allegation.
 - Although [REDACTED] have accessed [REDACTED] client details, the access and timings are consistent with the applications by [REDACTED].
 - [REDACTED]

Recommendation

13. As a result of the information obtained during the course of this investigation, the following is recommended:
- Unless further information is forthcoming, no further report will be submitted.

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SENSITIVE: PERSONAL

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s47E(d)

s22(1)(a)(ii)

Investigator

s47E(c)

Integrity and Professional Standards

23 November 2016

s22(1)(a)(ii)

Cleared by:

s22(1)(a)(ii)

Director,

s47E(c)

I&PS Branch

Date Released:

23

November 2016

Recommendation agreed / not agreed / please discuss

s22(1)(a)(ii)

Acting Assistant Secretary
Integrity and Professional Standards
Delegate of the Secretary

22 November 2016

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Australian Government
Department of Immigration
and Border Protection

SENSITIVE: PERSONAL

I&PS Case No: 2015/839

s47E(d)

Mark Brown
 Assistant Secretary
 Integrity & Professional Standards
 Delegate of the Secretary

Investigation Report – Outcome of Investigation 2015/839

Purpose

1. This report provides an assessment of an investigation I&PS 2015/839
 s47E(d) in accordance with s47E(d)
 s47E(d) The investigation involved an allegation that
 Immigration and Border Protection (IBP) workers may be involved in corrupt conduct as
 s47E(d)

Background

2. On s47E(c), s47F 2015, Integrity and Professional Standards Branch (I&PS) were
 advised by the Department's National Allegation and Assessment Team (NAAT) of an
 anonymous allegation an IBP worker, s47E(c), s47F
 s47E(c), s47F has accepted a bribe s47E(c), s47F
3. On s47E(c), s47F 2015, I&PS received further information from NAAT s47E(c), s47F
 s47E(c), s47F
 s47E(c), s47F alleged to have accepted bribes s47E(c), s47F for
 the visa processing.
4. s47E(d)
5. On 4 May 2016, s47E(d) assessed the notification and determined
 that the Department should continue to investigate this corruption issue and provide a
 final report back on the outcome s47E(d)

Investigation

6. I&PS enquiries of Department's human resource SAPGUI system identified:

- s47E(c), s47F

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- s47E(c), s47F [REDACTED]
7. s47E(c), s47F [REDACTED]
8. [REDACTED]
9. On s47E(c), s47F 2017, I&PS emailed s22(1)(a)(ii) [REDACTED] Chief Migration Officer (CMO), Australian Consulate General, s47E(c), s47F following an earlier telephone conference to discuss s22(1)(a)(ii) assistance in this matter.
10. On s47E(c), s47F 2017, the CMO advised I&PS that s47E(c), s47F [REDACTED] employed as an s47E(c), s47F [REDACTED] Officer in the s47E(c), s47F [REDACTED] Team. s47E(c), s47F [REDACTED] is responsible for a range of s47E(c), s47F [REDACTED] tasks, including initial assessment of s47E(c), s47F [REDACTED] applications. The visa applications are then forwarded to an authorised IBP worker in Australia to process.
11. The CMO further advised that s47E(c), s47F [REDACTED] is employed as a s47E(c), s47F [REDACTED] Officer whose main duties include to assess and make decisions on s47E(c), s47F [REDACTED] visa applications, s47E(c), s47F [REDACTED]
12. The CMO stated that the LEEs' position numbers could be obtained internally by other IBP workers or would be located on outgoing correspondence to visa applicants.
13. The CMO's investigation of the activities undertaken by s47E(c), s47F [REDACTED] identified that all decisions made, have been in accordance with Departmental policy and procedures with appropriate oversight by Australian based IBP workers.
14. The CMO identified that none of the identified LEEs are s47E(c), s47F [REDACTED] nationals. The LEEs' ability to remain in the country are tied to their ongoing employment with the Australia Consulate General, which would increase the risks and potential consequences attached to engaging in unauthorised activities.
15. The majority of applications processed by the identified LEEs are from s47E(c), s47F [REDACTED] nationals and these LEEs s47E(c), s47F [REDACTED] s47E(d) [REDACTED]
16. A review of the I&PS case management system identified s47E(c), s47F [REDACTED] allegations of a similar nature associated with the Australian Consulate General, s47E(c), s47F [REDACTED] being:
- s47E(c), s47F [REDACTED]
 - [REDACTED]
17. No previous allegations were identified in the I&PS complaints system concerning s47E(c), s47F [REDACTED]

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SENSITIVE: PERSONAL

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Conclusion

18. The I&PS investigation has resulted in the following:

- The CMO's assessment of ^{s47E(c), s47F} [REDACTED] indicates that they are working to correct procedure with appropriate supervision and review.
- The position numbers for both LEE's is available to other IBP workers internally and is contained in outgoing correspondence sent by these two IBP workers. It is possible that the complaint is vexatious and the position numbers were contained on a visa decision notification that was unfavourable.
- All ^{s47E(c), s47F} allegations ^{s47E(c), s47F} [REDACTED] were received within a short period of time with no previous allegations regarding the post being identified.
- No further allegations have been received.

Recommendation

19. As a result of the information obtained during the course of this investigation, it is recommended:

- ^{s47E(d)} [REDACTED]
- Unless further information is forthcoming that would alter the outcome of this report, no further report will be submitted.

^{s22(1)(a)(ii)} [REDACTED]

Assistant Director

^{s47E(c)} [REDACTED]

// July 2017

Cleared by: ^{s22(1)(a)(ii)} [REDACTED] Director, ^{s47E(c)} [REDACTED] I&PS Branch ^{s22(1)(a)(ii)} [REDACTED]

Date Released: July 2017

Recommendation agreed / not agreed / please discuss^{s22(1)(a)(ii)} [REDACTED]

~~Mark Brown~~
 Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

// July 2017

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Australian Government
Department of Immigration
and Border Protection

Sensitive: Personal

I&PS Ref: 2015/849

s47E(d)

Mark Brown
 Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

Investigation Report – Outcome of Investigation I&PS 2015/849

Purpose

1. This report provides an outcome to investigation I&PS 2015/849 s47E(d) in accordance with s47E(d). The investigation involved an allegation that Immigration and Border Protection (IBP) workers may be involved in corrupt conduct s47E(d).

Background

2. On s47E(c), s47F 2015, Integrity and Professional Standards Branch (I&PS) received an allegation from the National Allegation and Assessment Team (NAAT), Australian Border Force (ABF), s47E(c), s47F
3. The NAAT identified a number of allegations that had been received from s47E(c), s47F including:

- s22(1)(a)(ii)
-
- That two Australian High Commission Locally Engaged Employees (LEEs) employed at the s47E(c), s47F Post, s47E(c), s47F are processing and approving the visa applications.
- s22(1)(a)(ii)
-

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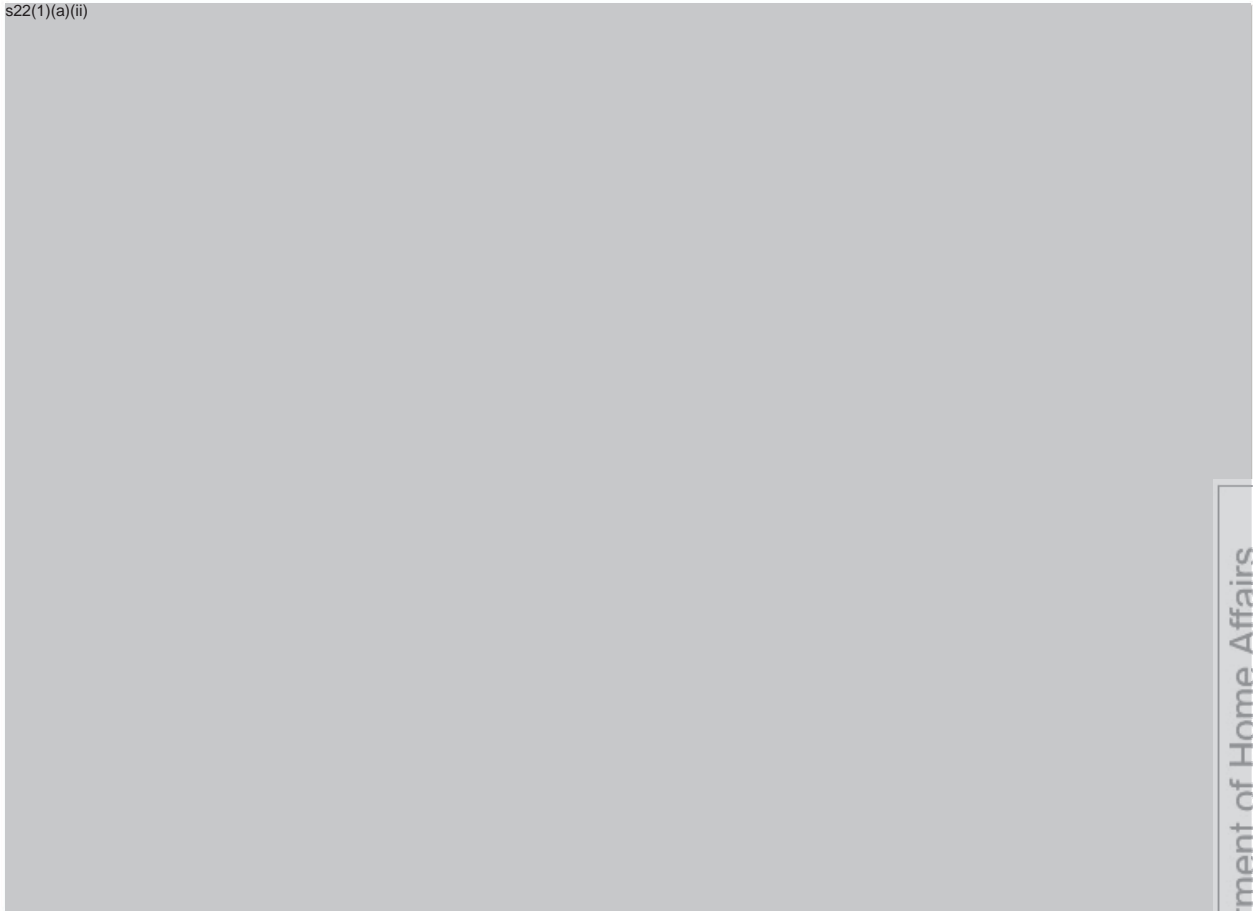
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4. On ^{s47E(c), s47F} 2015, ^{s47E(c), s47F} emailed the NAAT and advised that ^{s47E(c), s47F} ^{s47E(c), s47F} stated that the unidentified agent advised that ^{s47E(c), s47F} need only pay some money to ^{s47E(c), s47F} interviewer, identified as either ^{s47E(c), s47F} to have ^{s47E(c), s47F} visa application processed and approved.
5. On ^{s47E(d)} 2016, the Department notified the ^{s47E(d)} ^{s47E(d)} of the allegations.
6. On ^{s47E(d)} 2016, the Department notified ^{s47E(d)} of a further allegation that ^{s47E(c), s47F} at the Australian High Commission in ^{s47E(c), s47F} had requested payments from ^{s47E(c), s47F} to clear visa applications. This information was provided in an email on ^{s47E(c), s47F} 2016, to the Department by the Department of Foreign Affairs and Trade (DFAT).
7. On 18 July 2016, the ^{s47E(d)} assessed the notifications identifying that the Department should continue to investigate this alleged corruption issue and provide a final report back on the outcome of the investigation ^{s47E(d)}

Investigation

s22(1)(a)(ii)



s22(1)(a)(ii)



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s22(1)(a)(ii)

s47E(c), s47F

17. An I&PS audit of the Department's Human Resource Systems (SAPGUI) for s47E(c), s47F identified that there are no LEEs by those names who were employed at the Australian High Commission in s47E(c), s47F
18. s22(1)(a)(ii) Principle Migration Officer, Australian High Commission, s47E(c), s47F in an email dated s47E(c), s47F 2017, also confirmed this. s22(1)(a)(ii) stated that the Department of Foreign Affairs and Trade (DFAT) could find no record of either s47E(c), s47F ever having been employed as LEEs at the s47E(c), s47F Post.
19. As it was established that s47E(c), s47F has never been employed at the s47E(c), s47F Post, the allegation that s47E(c), s47F also worked for the s47E(c), s47F and received s47E(c), s47F on one application to "clear the interview", was not further investigated.

s22(1)(a)(ii)

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s47E(c), s47F

25. An I&PS audit of SAPGUI for the names of s47E(c), s47F identified similar names of persons who were or currently are, employed with the Department:

- s47E(c), s47F Department of Immigration and Citizenship (DIAC) contractor based in the Australian Capital Territory s47E(c), s47F
- s47E(c), s47F a current LEE working in visa processing area of the Australian High Commission at s47E(c), s47F is a Visa Processing Officer (VPO). VPOs including s47E(c), s47F assess s47E(c), s47F visa applications and recommend them for decision. As s47F has no delegation to decide applications, s47F recommends an outcome based on the supporting documentation provided with the application. However, a Locally Engaged Designate makes the decisions themselves or the application is referred to an s47E(d) Departmental officer. There appears to be no integrity concerns regarding this LEE at Post.

s47E(c), s47F

26. Enquiries with the s47E(c), s47F Post have established that s47E(c), s47F was employed at the s47E(c), s47F Australian High Commission, s47E(c), s47F from s47E(c), s47F s47E(c), s47F

27. s47E(c), s47F was initially employed with Post was s47E(c), s47F officer responsible for undertaking s47E(c), s47F later became a Visa Processing Officer (VPO) responsible for making initial assessments on s47E(c), s47F visa applications; however, as LEE staff at the s47E(c), s47F Post do not have the required delegations to decide applications, they must refer their assessments to an s47E(d) Australian staff member or Locally Engaged Designates (LED) for decisions (grant or refuse).

28. When the Post was asked if s47E(c), s47F could influence the visa processing and granting process, Post stated that,

s47E(c), s47F, s47E(d)

29. s47E(c), s47F

30. Enquiries have established that on s47E(c), s47F 2016, the s47E(c), s47F Visa Centre, s47E(c), s47F received an email from s47E(c), s47F stating that s47E(c), s47F was selling information that s47E(c), s47F obtained from the s47E(c), s47F Post to s47E(c), s47F in the area where s47E(c), s47F. The allegation also states that s47E(c), s47F requested payment from s47E(c), s47F to clear s47E(c), s47F visa application.

31. This allegation was passed onto the Immigration Section of the s47E(c), s47F Post in s47E(c), s47F 2016, who in turn raised the matter with DFAT to investigate, as they were the employer of s47E(c), s47F

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32. Enquiries with DFAT have confirmed that they did not investigate the allegation, rather they referred it to the then Department's Integrity Section, now I&PS.
33. This was the same allegation that was provided in an email on s47E(c), s47F 2016, to the Department by DFAT. It has further been established that DFAT closed their investigation due to s47E(c), s47F resigning from s47F position at the s47E(c), s47F Post.

Conclusion

34. The I&PS investigation has resulted in the following:

- s22(1)(a)(ii) [REDACTED]
- There appears to be no adverse associations between s47E(c), s47F and the Australian High Commission in s47E(c), s47F
- s47E(c), s47F have never been employed as LEEs at the Australian High Commission in s47E(c), s47F
- s22(1)(a)(ii) [REDACTED]
- s47E(c), s47F and is no longer a departmental employee.
- s47E(c), s47F is a current LEE working in visa processing area of the Australian High Commission at s47E(c), s47F. In s47E(c), s47F current role, s47F does not have any delegation to decide visa applications. There appears to be no integrity concerns regarding s47E(c), s47F
- s47E(c), s47F was employed at the Immigration Section of Australian High Commission, s47E(c), s47F from s47E(c), s47F. The original allegation (same as indicated in this report) was made against s47E(c), s47F in s47E(c), s47F 2016, which was referred to DFAT for investigation.
- DFAT did not investigate the matter, but referred the allegation to the Department in s47E(c), s47F 2016, as s47E(c), s47F was working directly for the Immigration Section at Post. DFAT then closed their investigation due to the resignation of s47E(c), s47F
- s47E(c), s47F is currently not employed at the Australian High Commission in s47E(c), s47F

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Recommendations

35. As a result of the information obtained during the course of this investigation, it is recommended:

- s47E(d)
- Unless further information is, forthcoming that would alter this investigation, no further report will be submitted and the matter is closed. ✓
- I&PS should retain this matter for intelligence purposes. ✓

s22(1)(a)(ii)

Assistant Director

s47E(c)

Integrity and Professional Standards

26 September 2017

s22(1)(a)(ii)

Cleared by:

s22(1)(a)(ii)

Acting Director,

s47E(c)

I&PS Branch

Date Released: 25 September 2017

Recommendation agreed / ~~not agreed~~ / ~~please discuss~~

s22(1)(a)(ii)

Mark Brown
 Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

27 September 2017

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Australian Government
Department of Immigration
and Border Protection

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I&PS Case No: 2015/854
 s47E(d)

s22(1)(a)(ii)

A/g Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

Investigation Report – Alleged corrupt conduct by a DIBP employee located in s47E(c), s47F

Purpose

1. This report provides an outcome to investigation I&PS 2015/854 in accordance with s47E(d). The investigation involved an allegation a Department of Immigration and Border Protection (DIBP) employee may be involved in corrupt conduct s47E(d).

Background

2. On s47E(c), s47F 2015, anonymous information was received that s47E(c), s47F, a locally engaged employee (LEE) working out of the Australian Consulate-General s47E(c), s47F demanded money from a visa applicant in order for their visa application to be granted (extortion).
3. s47E(d)
4. On s47E(d) 2016, s47E(d) determined the allegation be investigated by DIBP and a report provided on the outcome.

Investigation

5. Enquires by I&PS identify that s47E(c), s47F is an LEE at s47E(c), s47F employed in visa processing.
6. I&PS requested that the Chief Migration Officer (CMO), s47E(c), s47F assess relevant visa decisions made by s47E(c), s47F in order to identify areas of concern or possible corruption. The CMO advised that all decisions appear to have been made according to correct procedure with appropriate review by Australian based DIBP employees.
7. A review of the I&PS case management system identify s47E(c), s47F allegations associated with the Australian Consulate-General, s47E(c), s47F being:

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- 2015/839 - Allegation that two unidentified DIBP employees have accepted bribes to grant a visa ^{s47E(c), s47F} [REDACTED] (current).
- 2015/528 – Allegation that ^{s47E(c), s47F} [REDACTED] did not exercise the required level of care and diligence in investigating and terminating the contract of a locally engaged employee (finalised).

8. No previous allegations were identified against ^{s47E(c), s47F} [REDACTED]

Conclusion

9. The I&PS investigation has resulted in the following outcome:

- It is unlikely ^{s47E(c), s47F} [REDACTED] attempted to extort money from a visa applicant in return for a favourable grant decision.
- It is possible that the complaint is vexatious and the result of a visa decision that was unfavourable.
- The CMO assessment of ^{s47E(c), s47F} [REDACTED] indicates ^{s47E(c), s47F} [REDACTED] is working to correct procedure with appropriate review.

Recommendation

10. As a result of information obtained during the course of this investigation, the following is recommended:

- Unless further information is forthcoming that would alter this outcome, no further report is submitted.

• ^{s47E(d)} [REDACTED]

- I&PS retain this report ^{s47E(d)} [REDACTED]

^{s22(1)(a)(ii)} [REDACTED]

Investigator, ^{s47E(c)} [REDACTED]
Integrity and Professional Standards Branch

23 November 2016

Cleared by: ^{s22(1)(a)(ii)} [REDACTED] Acting Director, ^{s47E(c)} [REDACTED] I&PS Branch

Date Released: 23 November 2016

Recommendation agreed / not agreed / please discuss

^{s22(1)(a)(ii)} [REDACTED]

Acting Assistant Secretary
Integrity and Professional Standards
Delegate of the Secretary

23 November 2016

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Australian Government
**Department of Immigration
 and Border Protection**

SENSITIVE: PERSONAL

I&PS Ref: 2016/73

s47E(d)

Mark Brown
 Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

Investigation Report – Outcome of Investigation 2016/73

Purpose

1. This report provides an outcome to investigation I&PS 2016/73 s47E(d)

s47E(d)

s47E(d) The investigation involved an allegation that Immigration and Border Protection (IBP) workers may be involved in corrupt conduct s47E(d)

s47E(d)

Background

2. On s47E(c), s47F 2016, Integrity and Professional Standards (I&PS) were advised by the Department's National Allegation and Assessment Team (NAAT) that they had received anonymous information that two Australian Consulate employees in s47E(c), s47F are involved in the selling of Australian visas on the black market s47E(c), s47F. The allegation provided the names of s47E(c), s47F
3. s47E(d)
4. On s47E(d) 2016, s47E(d) assessed the notification and determined that the Department should continue to investigate this alleged corruption issue and provide a final report back on the outcome s47E(d)

Investigation

5. I&PS enquiries have established the identity of the IBP workers that were mentioned in the referral as Locally Engaged Employees (LEE), s47E(c), s47F from the Department's s47E(c), s47F Post.
6. DIBP records indicate that s47E(c), s47F was engaged as an LEE s47E(c), s47F
7. s47E(c), s47F was engaged as a LEE s47E(c), s47F
8. On s47E(c), s47F 2017, I&PS emailed s22(1)(a)(ii) Chief Migration Officer (CMO), Australian Consulate General, s47E(c), s47F following an earlier telephone conference to discuss s22(1)(a)(ii) assistance in this matter.

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SENSITIVE: PERSONAL

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9. On s47E(c), s47F 2017, the CMO advised I&PS that s47E(c), s47F is an s47E(c), s47F National employed as an s47E(c), s47F Officer in the s47E(c), s47F Team. s47E(c), s47F is responsible for a range of administrative tasks, including initial assessment of s47E(c), s47F applications. These s47E(c), s47F applications are then forwarded to an authorised IBP worker in Australia to finalise the assessment.
10. The CMO also advised that s47E(c), s47F is a s47E(c), s47F National employed as a s47E(c), s47F Officer and s47E(c), s47F main duties include to assess and make decisions on s47E(c), s47F visa applications, s47E(c), s47F. These visa applications are then forwarded to an authorised IBP worker in Australia to finalise the assessment.
11. The CMO's investigation of the activities undertaken by s47E(c), s47F identified that all decisions have been in accordance with Departmental policy and procedures with appropriate overview by Australian based IBP workers.
12. The CMO identified that, as none of the identified LEEs are s47E(c), s47F nationals, their ability to remain in the country is also tied to their ongoing employment with the Consulate. s47E(c), s47F
13. The majority of applications processed by the identified LEEs are from s47E(c), s47F nationals and the LEEs identified in the referral, are not s47E(d)
14. A review of the I&PS case management system identified s47E(c), s47F allegations of a similar nature associated with the Australian Consulate General, s47E(c), s47F being:
- 2015/839 (current) – Allegation that s47E(c), s47F LEE's, s47E(c), s47F have accepted bribes to grant visas to s47E(c), s47F
 - 2015/854 (closed) – Allegation that a LEE, s47E(c), s47F demanded money from a visa applicant in order for their visa application to be granted (extortion).
15. No previous allegations were identified concerning s47E(c), s47F

Conclusion

11. The I&PS investigation has resulted in the following outcome:
- There is no evidence to support the allegation that Australian Consulate employees in s47E(c), s47F are involved in the selling of Australian visas on the black market.
 - The CMO assessment of s47E(c), s47F indicates that they are working to correct procedures with appropriate supervision and review strategies in place at the s47E(c), s47F Post.
 - All three allegations 2015/839, 2015/854 and 2016/73 were received within a short period of time, with no previous allegations regarding the post being identified. As of the date of this report, there have been no further allegations received by I&PS, regarding the s47E(c), s47F Post.
 - It is possible that the complaint is vexatious and the result of an unfavourable visa decision.

Recommendation

12. As a result of the information obtained during the course of this investigation, the following is recommended:

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- s47E(d)
- Unless further information is forthcoming that would alter the outcome of this enquiry, no further report will be submitted.

s22(1)(a)(ii)

Assistant Director

s47E(c)

// July 2017

Cleared by: s22(1)(a)(ii) Director, s47E(c) I&PS Branch s22(1)(a)(ii)

Date Released: July 2017

Recommendation agreed / ~~not agreed~~ / ~~please discuss~~

11/7/17

s22(1)(a)(ii)

Mark Brown
Assistant Secretary
Integrity and Professional Standards
Delegate of the Secretary

// July 2017

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SENSITIVE: PERSONAL

Australian Government
Department of Immigration
and Border Protection

I&PS Case File: 2016/114

s47E(d)

s22(1)(a)(ii)

Acting Assistant Secretary
 Integrity and Professional Standards
 Delegate of the Secretary

Investigation Report - Alleged corruption issue involving a DIPB employee

Purpose

1. This report provides an outcome to investigation I&PS 2016/114 s47E(d)

The investigation involved an allegation Department of Immigration and Border Protection (DIBP) employees may be involved in corrupt conduct s47E(d)

Background

2. On s47E(c), s47F 2016, the Department's National Allegation and Assessment Team (NAAT) received an allegation from s47E(c), s47F

3. s47E(c), s47F
 alleged that, s47E(c), s47F knows people in s47E(c), s47F who work for the higher s47E(c), s47F Government and uses s47E(c), s47F money to pay for people who work there to tell s47E(c), s47F whenever someone is investigating s47E(c), s47F

4. On s47E(c), s47F 2016, Integrity and Professional Standards Branch (I&PS) received the allegation from the NAAT.

5. s47E(d)

6. On s47E(d) 2016, s47E(d) assessed the notification determining the Department continue to investigate the potential corruption issue.

Investigation

7. s22(1)(a)(ii)

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8. s22(1)(a)(ii)

9.

10.

11.

12. ICSE records identify 25 DIBP employees having accessed s47E(c), s47F client file, consistent with their official duties. There is no record of a s47E(c), s47F Government employee having access to s47E(c), s47F client file.

13. s22(1)(a)(ii)

14.

Conclusion

15. The I&PS investigation has resulted in the following:

- s47E(c), s47F original allegation on s47E(c), s47F 2014 was investigated by the Department.
- 25 Departmental employees identified as being involved in s47E(c), s47F application since s47E(c), s47F 2013 are considered to have done so in connection to their official duties.
- s22(1)(a)(ii)
- Information has not been forthcoming to support evidence that a s47E(c), s47F Government or DIBP employee provided advice to s47E(c), s47F on s47E(c), s47F s47E(c), s47F

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Recommendation

16. As a result of the information obtained during the course of this investigation, it is recommended:

- Unless further information is forthcoming, no further report will be submitted.

- s47E(d) [REDACTED]

s22(1)(a)(ii) [REDACTED]

Investigator

s47E(c) [REDACTED]

Integrity and Professional Standards

23 November 2016

s22(1)(a)(ii) [REDACTED]

Cleared by:

s22(1)(a)(ii) [REDACTED]

Acting Director,

s47E(c) [REDACTED]

I&PS Branch

Date Released:

23

November 2016

Recommendation agreed not agreed / please discuss

s22(1)(a)(ii) [REDACTED]

Acting Assistant Secretary
Integrity and Professional Standards
Delegate of the Secretary

23 November 2016

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Case No	Details	Assessment	Recommendation
2016/185	<p>Referral received - 9/6/2016</p> <p>It is alleged that §47E(c), §47F made inappropriate and uninvited advances towards §47E(c), §47F</p> <p>When §47E(c), §47F rejected the advances, §47E(c), §47F allegedly advised §47E(c), §47F that §47E(c), §47F and able to influence the outcome of any interests §47E(c), §47F</p> <p>securing of visas.</p>	<p>§47E(d)</p> <p>Returned from §47E(d) as §47E(d) for DIBP to investigate without oversight §47E(d)</p> <p>ESC Enquiries of 12/7/2017 in relation to §47E(c), §47F identified:</p> <p>§47E(c), §47F</p> <p>§47E(c), §47F resigned from Department on §47E(c), §47F</p> <p>§47E(c), §47F is no longer with the DEPT.</p>	<p>SIU recommend;</p> <p>This matter be closed given;</p> <ul style="list-style-type: none"> The length of time since the allegation was received. §47E(c), §47F has resigned from the Department. §47E(c), §47F no longer presents a potential risk to the Department and this matter was not explored whilst §47F was with the Department. Procedural fairness issues should this matter be investigated further.

Recommendation:

- The matter be closed §47E(c)
- §47E(d)

Agreed / Not Agreed

§22(1)(a)(ii)

Mark Brown

Assistant Secretary

Integrity and Professional Standard Branch

19.7.2017

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~~PROTECTED~~
Sensitive: Personal

SCHEDULE

s47E(c)

I&PS Reference – 2016/287

s47E(d)

Details

Referral received on s47E(c), s47F 2016.

On or about s47E(c), s47F 2016, a s47E(c), s47F based visa applicant allegedly received a phone call from an unknown male representing themselves as an "officer of the Embassy" in s47E(c), s47F

This unknown male allegedly requested to meet with the applicant in person at s47E(c), s47F the following morning so as to finalise s47E(c), s47F Australian visa and take receipt of a 'final fee payment'.

The applicant was suspicious of the call and reported the matter to s47E(c), s47F migration agent.

The agent advised the applicant to refer any further callers to s47E(c), s47F

The agent referred the allegation to the Chief Migration Officer in s47E(c), s47F advising the applicant's case was being processed in Adelaide and nearing completion and s47E(c), s47F could "think of no reason for involvement by the Embassy".

There is no indication the applicant agreed to meet with the caller, or that a meeting occurred, although this is not explicitly stated.

On s47E(d) 2017, the allegation was referred to s47E(d)

On s47E(d) 2017, s47E(d) referred the matter to the Department for investigation requesting the Department to report on any outcomes; s47E(d)

s47C

Information provided in the allegation

s47E(d) the applicant was assessed as having a 'functional' level of English at the time. The allegation was conveyed to the Department through a third party (the applicant's Australia-based migration agent). s47E(d)

The allegation is lacking in detail. It only reveals the alleged caller:

- Is male and purportedly an 'officer of the Embassy';
- Knew the applicant's telephone number;
- Knew the applicant had an Australian visa application in progress and possibly that it was nearing finalisation; and
- Knew the applicant had s47E(c), s47F

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Internal access to the applicant's information

s47E(d) the visa application was processed onshore in Adelaide by the s47E(c), s47F team. There is no indication that the Australian Embassy in s47E(c), s47F Post) had, at any time, anything to do with the visa application. However, it does not appear I&PS confirmed this with s47E(c), s47F Post at the time the application was received.

The case officer for the application was s47E(c), s47F of the s47E(c), s47F Team in Adelaide. Movement records indicate s47E(c), s47F was onshore at the time of the alleged call and at the proposed time of the meeting. s47E(c), s47F

s47E(c), s47F All other male officers in the s47E(c), s47F team, Adelaide, who were legitimately involved in processing the visa application were also onshore at the time of the alleged call and at the proposed time of the meeting.

s47E(d) indicates s47E(c), s47F was the only officer to access the visa application during this time period. As s47E(c), s47F had a business need to do so, this is not of concern.

s47E(d) indicates all staff who have accessed s47E(d) records relating to the visa application had a business need to do so.

s47E(d) CSP also holds details about an immigration client's contact information and visa applications. However, CSP does not hold specific details about the progress of a visa application (i.e. nearing finalisation) and it appears the alleged caller was possibly aware the application was nearing finalisation.

External access to the applicant's information

Case notes for the visa application indicate certain individuals outside of the Department would have been aware of the fact that the applicant had an Australian visa application in progress, and possibly that it was nearing finalisation. The applicant obtained references from members of the public in support of s47F visa application. At least three of these references came from individuals/organisations within s47E(c), s47F. The applicant sought a s47E(c), s47F police clearance in about s47E(c), s47F 2016, which was provided to the Department on s47E(c), s47F 2016 (shortly after the alleged telephone call). s47E(c), s47F has an embassy in s47E(c), s47F although it is unknown if the applicant approached this particular embassy about a police clearance. The police clearance was the final outstanding requirement prior to finalisation of the visa application, although it is unknown if the applicant conveyed this to whomever s47E(c), s47F approached to obtain the clearance.

The applicant is s47E(c), s47F and the contact details for s47E(c), s47F (street address, landline and mobile telephone numbers) are published on the internet. Therefore, it would not have been necessary for the alleged caller to access immigration systems to obtain this information.

s47E(c)

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s47E(c)

- I&PS enquiries have not revealed any evidence of misconduct by

s47E(c), s47F

s47E(c)

s47E(c)

s47E(c)

Agreed/Not Agreed

s22(1)(a)(ii)

Belinda Gill

Assistant Secretary

Integrity and Professional Standards Branch

16 / 5 / 2019

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SCHEDULE

s47E(c)

I&PS Reference – 2016/299

s47E(d)

Details

Referral received on s47E(c), s47F 2016.

An anonymous allegation was received that the 'word on the street' was Locally Engaged Employees (LEE) at the Australian Embassy in s47E(c), s47F Post) received bribes s47E(c), s47F for single visa applicants and larger amounts for couples and families.

It was further alleged that s47E(c), s47F nationals had lodged s47E(c), s47F visa applications, at s47E(c), s47F Post, s47E(c), s47F

On s47E(d) 2017, the allegation was referred to s47E(d)

On s47E(d) 2017, s47E(d) referred the matter to the Department for investigation, requesting the Department report back on any outcomes, s47E(d)

s47E(d)

When Integrity Referrals and Engagement (IR&E) advised s22(1)(a)(ii) then Regional Director, Middle East and Africa, of the allegation s22(1)(a)(ii) responded to IR&E: s47E(d)

s22(1)(a)(iii) after reviewing the two cases s22(1)(a)(ii) was concerned that the s47E(d) case officer at s47E(c), s47F Post who assessed one of the visa applications (which had been refused) had not given proper consideration to the applicant's claims. s22(1)(a)(ii) instructed the application be revisited by another s47E(d) officer; which resulted in the refusal decision being reversed and the application being approved.

The other application was also initially refused by an s47E(d) officer in s47E(c), s47F No issues were identified with the decision-making process.

Following his review, s22(1)(a)(iii) advised s47E(d) "The core allegation, s47E(c), s47F, s47E(d)

I can see no reason to be concerned about the integrity of our staff. My concern about the original decision, related to the delegate's approach to decision making rather than corruption."

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s22(1)(a)(ii) then First Secretary at s47E(c), s47F Post, advised: *In terms of the more general allegation that there are corrupt locally engaged staff at the s47E(c), s47F Embassy – I have no reason to suspect this, and I am confident that there are control mechanisms in place.*

s47E(d)

Departmental records identified a total of 56 current and former LEE staff at s47E(c), s47F Post.

The allegation that corrupt LEE staff at s47E(c), s47F Post are receiving bribes from applicants lacks credibility in the context of the s47E(c), s47F visa caseload, because only s47E(d) staff are delegated to make decisions on these applications.

s47E(c)

Agreed/Not Agreed

s22(1)(a)(ii)

Belinda Gill
Assistant Secretary
Integrity and Professional Standards Branch

03/05/2019

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Australian Government
Department of Immigration
and Border Protection



Australian
BORDER FORCE

INVESTIGATION REPORT – s47E(c), s47F

ATTENTION: s47E(c), s47F **High Commissioner**

THROUGH: s22(1)(a)(ii) **Minister-Counsellor (Management), DFAT**

CC: s22(1)(a)(ii) **Human Resources Manager, DFAT**

DATE: 12 December 2016

1. Executive Summary

This report details an investigation undertaken into possible gross misconduct by s47E(c), s47F. It is alleged that on s47E(c), s47F 2016, s47E(c), s47F in s47F capacity as a s47E(c), s47F Officer, met with and subsequently unlawfully granted a s47F visa s47F to s47F. It is also alleged that s47E(c), s47F

Having reviewed all of the evidence gathered in this investigation, I find that s47E(c), s47F did unlawfully grant a visa to s47F. Further, while I accept s47E(c), s47F claims that s47F did not s47E(c), s47F I am not satisfied that s47F took reasonable steps to mitigate against real or apparent conflict of interest.

Considering the evidence in totality, I find that s47E(c), s47F actions may constitute a serious breach of the High Commission's established rules (AHC Disciplinary and Dismissal Procedures clause 11.9.O) and may therefore amount to gross misconduct. It is recommended that a Determining Officer be appointed by the High Commissioner and s47E(c), s47F alleged gross misconduct is subject to a formal determination.

2. Scope and Purpose

The objective of this investigation was to examine the allegations of misconduct lodged against s47E(c), s47F by establishing a fair and balanced view of the facts, collecting evidence and conducting interviews with witnesses as required, and preparing an investigation report for the High Commissioner's consideration.

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This investigation establishes any evidence to support the allegation against §47E(c), §47F and makes a recommendation as to whether the alleged misconduct should be subject to formal determination, or if no action should be taken.

3. Background

§47E(c), §47F commenced work at the Australian High Commission on §47E(c), §47F. §47F is employed §47E(c), §47F as a Visa Officer with the Department of Immigration and Border Protection (DIBP) and reports directly to DIBP Team Leader §22(1)(a)(ii).

On §47E(c), §47F 2016, §22(1)(a)(ii) (acting Chief Migration Officer, DIBP) received an email from §22(1)(a)(ii) (Assistant Director, Specialist Temporary Entry Centre, DIBP) identifying that on §47E(c), §47F 2016, §47F was granted a §47F visa §47E(c), §47F, §47E(d). §22(1)(a)(ii) also advised that the visa granted (by §47E(c), §47F on §47E(c), §47F §47E(c), §47F, §47E(d).

On §47E(c), §47F 2016, §47E(c), §47F approach Senior Migration Officer §22(1)(a)(ii) and advised that:

- §47F had in fact presented at the DIBP counter on §47E(c), §47F 2016.
- §47F had been contacted by §47F on §47E(c), §47F
- §47E(c), §47F

Given concerns in relation to the unlawful visa grant and subsequent interaction with the client §47E(c), §47F, the matter was raised with Chief Migration Officer §22(1)(a)(ii) who engaged with the Human Resources team in §47E(c), §47F and with DIBP's Integrity and Professional Standards Section in Canberra.

In accordance with DFAT Conduct and Ethics Policy, the Conduct and Ethics Team in Canberra were notified, and the High Commissioner duly appointed an Investigating Officer, §22(1)(a)(ii), in accordance with the AHC Disciplinary and Dismissal Procedures.

On §47E(c), §47F 2016, §47E(c), §47F was notified in writing of the allegations and invited to an interview with the Investigating Officer to discuss the allegations. §47E(c), §47F

4. §47E(c), §47F Staff Code of Conduct

The §47E(c), §47F Staff Code of Conduct states:

"The Australian High Commission is the official representative of the Australian government in the §47E(c), §47F and consequently Australian principles and standards of conduct apply in the workplace. The key underlying principles of such conduct are:

- to act in accordance with the local law and applicable Australian law;
- to deal equitably, honestly and in a professional manner with both the public and colleagues;

- to ensure there is no real or apparent conflict of interest; and
- to ensure their professional or personal behaviour does not bring the Australian High Commission or Australia into disrepute.”

s47E(c)

s47E(c), s47F signed to confirm s47F had read and understood the AHC s47E(c), s47F Code of Conduct on s47E(c), s47F 2008, s47E(c), s47F

5. AHC Disciplinary and Dismissal Procedures

The AHC Disciplinary and Dismissal procedures state:

“All employees must sign the Code of Conduct on commencement of employment and this Code of Conduct must be observed. Subject as provided in this document, breaches of this Code of Conduct will be dealt with under the High Commission's disciplinary procedure set out in this document.

These procedures may be applied to conduct outside the workplace if it is considered that there is a connection between the conduct and its effect on the post.”

s47E(c)

6. Investigation

The purpose of the investigation is to determine whether s47E(c), s47F actions might constitute a breach or breaches to the Code of Conduct, specifically:

1. Failure to act in accordance with applicable Australian law.
2. Failure in dealing equitably, honestly and in a professional manner with both the public and colleagues.
3. Failure in ensuring there is no real or apparent conflict of interest.
4. Failure in ensuring their professional or personal behaviour does not bring the Australian High Commission or Australia into disrepute.

An interview was conducted with s47E(c), s47F on s47E(c), s47F 2016 in order to formally put the misconduct allegations to s47F and offer s47F an opportunity to respond. s47E(c)

Interviews were also conducted with the following witnesses:

-
-
-
-
-

s47E(c), s47F

Consideration was also given to the following evidence:

- s47E(c), s47F
-
-
-
-
-


6.1 Investigation Interview — s47E(c), s47F

In considering the information provided by s47E(c), s47F at interview, I have given weight to the following:

s47E(c), s47F


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s47E(c), s47F




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s47E(c), s47F




6.2 Investigation Interview – s22(1)(a)(ii)

s47E(c), s47F




6.3 Investigation Interview – s22(1)(a)(ii)

s47E(c), s47F




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s47E(c), s47F




6.4 Investigation Interview – s22(1)(a)(ii)

s47E(c), s47F




6.5 Investigation Interview – s22(1)(a)(ii)

s47E(c), s47F



6.6 Investigation Interview – s22(1)(a)(ii)

s47E(c), s47F



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s47E(c), s47F

Case audit An independent audit of 39 visas s47E(c) granted by s47E(c), s47F was completed by s22(1)(a)(ii) (Senior Migration Officer, Australian Embassy s47E(c)). The results of the audit do not suggest overtly inappropriate decisions, s47E(c), s47F

Training Audit

An audit of s47E(c), s47F online learning was undertaken on s47E(c), s47F 2016 which covered the period s47E(c), s47F 2016. The audit identified that s47E(c), s47F completed the following related training:

- Our professional standards – completed s47E(c), s47F 2016.
- Fraud and corruption awareness – completed s47E(c), s47F 2016.
- Assessment: fraud awareness – completed s47E(c), s47F 2015
- Assessment: fraud awareness – completed s47E(c), s47F 2012
- Assessment: code of conduct – completed s47E(c), s47F 2012
- Code of conduct offshore – completed s47E(c), s47F 2012
- Fraud awareness offshore – completed s47E(c), s47F 2012

Given the repeated conduct, corruption and fraud awareness training undertaken by s47E(c), s47F it is reasonable to expect that s47F would have a sound understanding of DIP's expectations in relation to officer conduct.

7. Conclusion

Acting in accordance with applicable Australian law

Departmental systems confirm that the granting of s47F visa by s47E(c), s47F on s47F was unlawful, as the s47E(c), s47F had not been approved. s47E(c), s47F

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s47E(c), s47F

Based on the information before me, I find that s47E(c), s47F has failed to act in accordance with applicable Australian law.

Dealing equitably, honestly and in a professional manner with both the public and colleagues

s47E(c), s47F

Based on the information before me, I accept s47E(c), s47F account that s47F had not sought out contact with s47F s47E(c), s47F. I also accept s47E(c), s47F account that s47F was

trying to provide a professional service and that engaging with a client §47E(c), §47F was not normal practice for §47F

That said, §47E(c), §47F leaves §47E(c), §47F open to criticism that §47F engagement may no longer have been professional or that §47F may have been providing favourable treatment to §47F

Ensuring there is no real or apparent conflict of interest.

Prima facie, §47E(c), §47F unlawfully granted §47F visa, §47F then §47E(c), §47F communicated §47E(c), §47F albeit for a limited period of time. This represents an apparent, if not real, conflict of interest.

While I note that §47E(c), §47F did bring this matter to the attention of §47F manager on §47F return from §47E(c), §47F, it was open to §47F to mitigate the real or apparent conflict of interest through timely escalation to §47E(d) both in relation to the initial unlawful visa grant and §47E(c), §47F communication.

I note §47E(c), §47F concerns that an §47E(d) asked §47F to contact a client outside business hours, I also note that §47F did not raise these concerns with §22(1)(a)(ii). While not common, there are occasions where senior officers, including team leaders, do make work related calls to stakeholders outside business hours.

There is no evidence before me countering §47E(c), §47F account that §47F obtained §47F number when §47F called §47F on §47E(c), §47F 2016. I also take on face value §47E(c), §47F account §47E(c), §47F.

While noting the above, I find that §47E(c), §47F failed to ensure that conflict of interest was adequately managed. By §47E(c), §47F not directing further communication from §47F to formal departmental communication channels, and by not immediately raising the issue of ongoing communication with an §47E(d) (particularly in the context of having previously unlawfully granted a visa to §47F §47E(c), §47F failed to identify and take steps to mitigate against any form of conflict of interest.

Ensuring their professional or personal behaviour does not bring the Australian High Commission or Australia into disrepute

Regardless of §47F intent, §47E(c), §47F actions could be seen by third parties as inappropriate, favouritism or corruption, §47E(c), §47F actions have the potential to bring the AHC or Australia into disrepute.

8. Recommendation

It is recommended that s47E(c), s47F alleged gross misconduct be subject to a formal determination.

Agreed / Disagree / Please discuss

s47E(c), s47F


High Commissioner

Australian High Commission, s47E(c), s47F

Date:

Investigating officer: s22(1)(a)(ii) Counsellor DIBP, ph: s22(1)(a)(ii)

s47E(c), s47F



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Sensitive: Personal



AUSTRALIAN HIGH COMMISSION

s47E(c), s47F

INVESTIGATION AND DETERMINATION REPORT

DATE: 2 October 2018

ATTENTION: s22(1)(a)(ii) Consul-General s47E(c), s47F

ALLEGATION Made improper use of information acquired in the course of duties to gain a personal benefit, or benefit for another person. Failed to declare a conflict of interest.

OFFICER BEING INVESTIGATED s47E(c), s47F

BREACH ALLEGED Locally Engaged Staff (s47E(c), s47F) Code of Conduct:

- An employee must behave honestly and with integrity in the course of their employment with the High Commission.
- An employee should not use their official position to influence or try to influence colleagues or members of the public by giving them gifts or by entering into financial or other arrangements with them.
- Official information must not be disclosed to any person unless an employee is acting in the course of their duties, or with the express authority of the HOM. An employee must not misuse information obtained in the course of their duties, including taking advantage of another person on the basis of information held about the person in official records.
- An employee must disclose and take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their employment in the High Commission including in relation to any outside employment and/or business activities.

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Sensitive: Personal

- An employee must not make improper use of inside information or the employee's duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee, or for any other person, including the acceptance of gifts, sponsored travel, hospitality, accommodation, hire costs and entertainment.

LOCATION

s47E(c), s47F

INVESTIGATING OFFICER

s22(1)(a)(ii)

First Secretary (Immigration and Border Protection)

PURPOSE

To present details and findings of the investigation into allegations that s47E(c), s47F a locally engaged staff officer within the Visa Office of s47E(c), s47F post, has breached the LES Code of Conduct.

BRIEF BACKGROUND ON EMPLOYEE**OFFICER:**

s47E(c), s47F

POSITION:

s47E(c), s47F

PREVIOUS ROLES:

s47E(c), s47F

s47E(c), s47F

INCIDENT PARTICULARS

DATE OF ALLEGED
INCIDENT/S:

s47E(c), s47F 2017

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**BRIEF SUMMARY OF
ALLEGATION/S:**

It is alleged that on the above dates, §47E(c), §47F accessed departmental systems and sought to grant a visa to persons that otherwise would be ineligible for the grant of that visa, based on the information at hand.

§47E(c), §47F then accessed departmental systems and reported official information to an unauthorised third party.

§47E(c), §47F failed to declare a conflict of interest in relation to the agent associated to this case.

WITNESS/ES TO INCIDENT: n/a

LEGAL REPRESENTATION:

§47E(c), §47F

EXECUTIVE SUMMARY

§47E(c), §47F has been employed in the Visa Office, §47E(c), §47F High Commission for §47E(c), §47F, having commenced duties on §47E(c), §47F. §47E(c), §47F current position is as §47E(c), §47F

In §47F role, §47E(c), §47F main responsibility is to prepare and manage applications §47E(c), §47F, which are then passed to an §47E(d) for decision making. §47E(d)

§47E(c), §47F is often required to assist with §47E(c), §47F visa decision making, §47E(c), §47F

The nature of §47F assistance with §47E(c), §47F visa processing varies; from dedicated allocations during peak, to ad hoc requests by §47E(d) to consider an escalated or urgent case.

During routine tasks by the Administration Officer §22(1)(a)(ii), who is responsible for responding to client enquiries through the group mailbox; a complex email was brought to the attention of Senior Migration Officer §22(1)(a)(ii) seeking assistance in drafting a response (as per common practice for complex enquiries). Due to the nature of the email, the enquiry was escalated to me as Principal Migration Officer. Following consideration of the background and circumstances surrounding this case, I initiated a referral to the Department of Home Affairs' (then Immigration and Border Protection) Integrity and Professional Standards (I&PS) team.

This referral has been returned to Post for action, and an investigation commenced. The investigation report below outlines considerations and actions undertaken as part of this activity.

INVESTIGATION METHODOLOGY

On §47E(c), §47F 2018, in accordance with procedures contained within the DFAT Conduct and Ethics Manual, you appointed me to investigate the circumstances surrounding this matter. A letter was then provided to §47E(c), §47F to notify §47F of the commencement of an investigation. §47E(c), §47F

On §47E(c), §47F 2017, during routine monitoring and responding to client enquiries, the Administration Officer, §22(1)(a)(ii), forwarded a complex email enquiry to Senior Migration Officer §22(1)(a)(ii).

§22(1)(a)(ii) asked §47E(c), §47F to review the case and provide comment on why a decision §47F made was requested to be overturned by another officer following grant. The response provided was not consistent with handling expected for this case. §47E(c), §47F

Further emails were identified in the group mailbox to suggest §47E(c), §47F accessed official information and reported this, along with internal processes, to an unauthorised third party, §47E(c), §47F

§47E(c), §47F, §47E(d)

On §47E(c), §47F 2018, I&PS requested §47E(c), §47F review of the application concerned, to determine whether the visa would have ordinarily been granted on the information available to the officer making the decision. It was determined by both §47E(c), §47F (reviewed separately to ensure nil bias) that a reasonable officer would have conducted a phone interview, but that circumstances had not changed since previous refusal, and the case would have likely been refused based on information at hand. This is inconsistent with the decision made by §47E(c), §47F §47E(c), §47F

On §47E(c), §47F 2018, the matter was returned from I&PS, for action by Post, following §47E(d) consideration of the allegation. §47E(c), §47F

§47E(d)

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On §47E(c), §47F 2018, I provided §47E(c), §47F with a letter outlining my appointment as Investigating Officer for this allegation. At this time, §47F agreed to participate in an interview, to take place on §47E(c), §47F 2018. §47E(c), §47F

The interview took place as scheduled. An audio copy of this interview has been retained but has not been transcribed. §47E(c), §47F

§47E(c), §47F was polite and cooperative, answering questions posed, and describing incidents as best recalled. Acknowledgement was made during the interview that some time had passed since the incident occurred in June 2017. §47E(c), §47F

The following interview summary, should be read in conjunction with investigator's timeline and comments previously provided §47E(c), §47F

§47E(c), §47F

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s47E(c), s47F

SUMMARY OF EVIDENCE OBTAINED

As part of the investigation, I assessed a range of information, which was presented as part of the interview, including statements made by the officer and records examined

s47E(c), s47F

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DETERMINATION

s47E(c), s47F breaching the Code of Conduct by not declaring the migration agent is now known to s47F personally.

The advice reportedly provided by s47E(c), s47F to the migration agent s47E(c), s47F which clarifies the appropriate escalation process for visa matters, indicates full understanding that a conflict of interest existed. Further, s47E(c), s47F was well aware of conflict of interest declaration requirements, as the signed declaration indicates, and was sighted by s47F and confirmed during interview. s47E(c), s47F

Further, s47E(c), s47F acknowledged s47F accessed departmental systems and reported official information to a third party, without authority to do so.

On s47E(c), s47F 2009, s47E(c), s47F signed acknowledgement of s47F terms of employment as an LES officer, which include:

- Section 2.7 – Outlining the condition that the employee will accept and adhere to the LES Code of Conduct; and
- Section 7.4 – Outlining the grounds for termination of employment, including the following excerpt:

‘The post may terminate your employment if you behave in a manner which, in the reasonable opinion of the post, contravenes either the LES Code of Conduct, the criminal laws of s47E(c), s47F or any other lawful and reasonable direction given to you by your employer or the employer’s representative.’

A copy of the signed Employment Agreement and Code of Conduct acknowledgement (originally signed s47E(c), s47F 2009) s47E(c), s47F

Whilst the current matter under investigation appears contained in nature, s47E(c), s47F

Under the authority of my formal appointment as investigator and determining officer, I have determined that sufficient evidence exists to satisfy the burden of proof, being on the balance of probabilities, that s47E(c), s47F has breached the following provisions of the s47E(c), s47F Australian High Commission LES Code of Conduct:

- An employee must behave honestly and with integrity in the course of their employment with the High Commission.
- Official information must not be disclosed to any person unless an employee is acting in the course of their duties, or with the express authority of the HOM. An employee must not misuse information obtained in the course of their duties, including taking advantage of another person on the basis of information held about the person in official records.

- An employee must disclose and take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their employment in the High Commission including in relation to any outside employment and/or business activities.

RECOMMENDATIONS


1. That you accept my determination of breaches as outlined in this report.
2. That you now consider an appropriate sanction given all evidence and circumstances.
3. That, should termination be the preferred sanction, approval §47E(d) [REDACTED] is obtained from Consul-General and Minister-Counsellor (Management) as an appropriate delegate for such process.
4. That the final outcome of this process be appropriately communicated to §47E(c), §47F [REDACTED]
5. That local police are not involved.

§22(1)(a)(ii) [REDACTED]

Investigator

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s47E(c), s47F



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