



Australian Government
Department of Home Affairs

SECRETARY

OSEC 152

The Honourable Peter Dutton MP
 Minister for Home Affairs
 Minister for Immigration and Border Protection.
 Suite MG-46
 Ministerial Wing, Ground Floor
 Parliament House Canberra ACT 2600

Dear Minister

I am writing to advise you that on ^{s47F} I issued a declaration of serious misconduct under section 32(2) of the *Australian Border Force Act 2015* (ABF Act). The declaration followed my delegate's decision of the same date to terminate the employment of ^{s47F} an APS5 employee based in ^{s47F} for breaching the Australian Public Service (APS) Code of Conduct.

I am providing this report to you as required by section 32(7) of the ABF Act.

Background

^{s47F} was arrested on ^{s47F} and charged by the Australian Federal Police (AFP) for ^{s47F}

On ^{s47F} ^{s47F} was found guilty of ^{s47F} and sentenced to a ^{s47F}

Investigation

^{s47F} was suspended from duties without pay following ^{s47F} arrest. The Department investigated this matter in line with its standard procedures for considering potential breaches of the APS Code of Conduct. On ^{s47F} my delegate in the matter concluded that ^{s47F} had breached my direction that departmental employees "must not, contrary to law, ^{s47F} and failed to behave in a way that upheld the APS Values and the integrity and good reputation of the Department and the APS.

Declaration

Having regard to these matters I have made a declaration under section 32(2) of the ABF Act that ^{s47F} actions amount to serious misconduct and is having, or is likely to have, a damaging effect on

the reputation of the Department with the public or a section of the public. In making the declaration, I relied in particular on the following grounds:

- a. ^{s47F} [redacted] has been found guilty of an offence that, while at the lower end of seriousness, was in direct contradiction to ^{s47F} [redacted] duties as an ABF officer and to the Department's mission.
- b. ^{s47F} [redacted] was investigated and charged by the AFP, who are a partner agency of the ABF and part of the Home Affairs portfolio.
- c. ^{s47F} [redacted]
- d. ^{s47F} [redacted] has failed to uphold the good reputation of the Department, and the APS.

Yours sincerely



Michael Pezzullo
Secretary

1st February 2018



Australian Government
Department of Home Affairs

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The Honourable Peter Dutton MP
 Minister for Home Affairs
 Suite MG-46
 Ministerial Wing, Ground Floor
 Parliament House Canberra ACT 2600

Dear Minister

I am writing to advise you that on ^{s47F} [REDACTED], I issued a declaration of serious misconduct under section 32(2) of the *Australian Border Force Act 2015* (ABF Act). The declaration followed my delegate's decision of the same date to terminate the employment of Australian Border Force (ABF) Officer ^{s47F} [REDACTED], an ^{s47F} [REDACTED] based in ^{s47F} [REDACTED], for breaching the Australian Public Service (APS) Code of Conduct.

I am providing this report to you as required by section 32(7) of the ABF Act.

Background

^{s47F} [REDACTED]

^{s47F} [REDACTED]

Investigation

^{s47F} [REDACTED] has been suspended from the workplace ^{s47F} [REDACTED] since ^{s47F} [REDACTED].

On ^{s47F} [REDACTED] was sentenced to ^{s47F} [REDACTED]

A Code of Conduct investigation commenced following the completion of the criminal trial. On ^{s47F} [REDACTED], breach decision maker Anna Lutz determined that ^{s47F} [REDACTED] had breached the Code of Conduct. Ms Lutz was satisfied that ^{s47F} [REDACTED] acted in contravention of the following subsections of the Code of Conduct:

- Section 13(4) – An APS employee when acting in connection with APS employment, must comply with all applicable Australian laws.

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~~Sensitive: Personal~~


- Section 13(8) – An APS employee must use Commonwealth resources in a proper manner and for a proper purpose.
- Section 13(11) – An APS employee must at all times behave in a way that upholds the APS Values and APS Employment Principles, and the integrity and good reputation of the employee's Agency and the APS.

Declaration

Having regard to these matters, I have made a declaration under section 32(2) of the ABF Act that §47F actions amount to serious misconduct and is having, or is likely to have, a damaging effect on the reputation of the Department with the public or a section of the public. In making the declaration, I relied in particular on the following grounds:

- a) §47F has been found guilty of a serious offence that was in direct contradiction to his duties as an ABF Officer and the Department's mission.
- b) §47F was investigated and charged by §47F Police, who are a partner agency of the ABF.
- c) §47F
- d) §47F has failed to uphold the good reputation of the Department, and the APS.

Yours sincerely



Michael Outram APM
Commissioner
28/11/19
November 2019