



Australian Government
**Australian Commission for
Law Enforcement Integrity**

Investigation Report

Operation Venari –

An investigation into an allegation of corrupt conduct involving an unauthorised disclosure of information by an AFP staff member

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Investigation Reports published by the Integrity Commissioner and summaries of reports which have not been made public can be found on the ACLEI website: aclei.gov.au

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About ACLEI Reports

The Law Enforcement Integrity Commissioner Act

1. The *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) establishes the office of Integrity Commissioner, supported by a statutory agency, the Australian Commission for Law Enforcement Integrity (ACLEI).

The role of the Integrity Commissioner and ACLEI

2. The role of the Integrity Commissioner and ACLEI is to detect and prevent corrupt conduct and deal with corruption issues in designated agencies—presently the:
 - Australian Criminal Intelligence Commission (including the former Australian Crime Commission, the former National Crime Authority and the former CrimTrac Agency);
 - Australian Federal Police (including ACT Policing);
 - Australian Transaction Reports and Analysis Centre (AUSTRAC); and
 - Department of Home Affairs (including the Australian Border Force).
3. Other Australian Government agencies with law enforcement functions may be prescribed by regulation as being within the jurisdiction of the Integrity Commissioner.¹ At present those agencies include prescribed aspects of the:
 - Department of Agriculture, Water and the Environment (DAWE)
 - Australian Competition and Consumer Commission (ACCC)
 - Australian Prudential Regulation Authority (APRA)
 - Australian Securities and Investment Commission (ASIC); and
 - Australian Taxation Office (ATO).

Corrupt conduct

4. A staff member of a law enforcement agency 'engages in corrupt conduct' if the staff member:
 - abuses his or her office
 - perverts the course of justice, or
 - having regard to his or her duties and powers, engages in corrupt conduct of any other kind.
5. The Integrity Commissioner is to give priority to dealing with serious and systemic corruption.²

¹ *Law Enforcement Integrity Commissioner Act 2006* (Cth) s 5(1) (definition of 'law enforcement agency') (LEIC Act); *Law Enforcement Integrity Commissioner Regulations 2017* (Cth) s 7.

² *Ibid* s 6(1).

Dealing with corruption issues

6. A corruption investigation can commence in different ways:
 - the Minister may refer to the Integrity Commissioner an allegation or information that raises a corruption issue.
 - the head of a law enforcement agency within ACLEI's jurisdiction must notify the Integrity Commissioner of any allegation or information that raises a corruption issue which relates to that agency.
 - any person or government agency can refer to the Integrity Commissioner an allegation or information that raises a corruption issue. A referral may be anonymous, or on behalf of another person.
 - the Integrity Commissioner can commence an investigation on his or her own initiative.³
7. The Integrity Commissioner may decide to deal with the corruption issue in a number of ways:
 - have ACLEI investigate the corruption issue either alone or jointly with another government agency or an integrity agency for a State or Territory.
 - refer the corruption issue to the law enforcement agency to conduct its own investigation.
 - decide that an investigation is not warranted.
8. The Integrity Commissioner can decide to manage or oversee any investigation that has been referred to a law enforcement agency. If the law enforcement agency were not the Australian Federal Police (AFP), the Integrity Commissioner can also refer the issue to the AFP for investigation and may manage or oversee that investigation.⁴

Reports

9. After completing a corruption investigation, the Integrity Commissioner must prepare a report setting out:
 - a) the Integrity Commissioner's findings on the corruption issue; and
 - b) the evidence and other material on which those findings are based; and
 - c) any action that the Integrity Commissioner has taken, or proposes to take, under Part 10 in relation to the investigation; and
 - d) any recommendations that the Integrity Commissioner thinks fit to make and, if recommendations are made, the reasons for those recommendations.⁵
10. The Integrity Commissioner must give the report on the investigation to the Minister who administers the LEIC Act and a copy to the head of the law enforcement agency to which the corruption issue relates.⁶

³ Ibid ss 18–24 and 38.

⁴ Ibid ss 26–30.

⁵ Ibid ss 54(1)–(2).

⁶ Ibid s 55.

Standard of proof

11. The Integrity Commissioner makes findings about whether a person has engaged in corrupt conduct, based on the balance of probabilities. Those findings may not be the same as those that would be made by a court deciding on criminal guilt beyond a reasonable doubt.
12. Before making a finding, the Integrity Commissioner is required to be 'reasonably satisfied', based on relevant facts, that the corrupt conduct occurred and that the corrupt conduct was within the meaning of the LEIC Act.
13. In considering whether or not the Integrity Commissioner is 'reasonably satisfied' of relevant facts, the Integrity Commissioner applies the reasoning set out in *Briginshaw v Briginshaw*,⁷ *Rejtek v McElroy*,⁸ and *Re Day*.⁹

⁷ (1938) 60 CLR 336, 361–62 (Dixon J).

⁸ (1965) 112 CLR 517, 521.

⁹ (2017) 91 ALJR 262, 268 [14]–[18].

Preface to the public version of Investigation Report

14. This Investigation Report is a report on Operation Venari, a corruption investigation relating to an allegation that classified Australian Federal Police (AFP) information had been disclosed to a person of interest in an aggravated robbery.
15. Operation Venari commenced in 26 October 2016 and found that two AFP appointees, Ms Thorn and Ms Forrest, had engaged in corrupt conduct by improperly dealing with AFP information. However, the allegation that AFP information had been disclosed to a person of interest in an aggravated robbery was not substantiated. The investigation resulted in Ms Thorn pleading guilty to one count of disclosing information contrary to s 70(1) of the *Crimes Act 1914* (Cth). On 21 March 2019, Ms Thorn was convicted without sentence on the basis of entering a good behaviour order for 12 months.
16. Following this, I prepared my report on Operation Venari pursuant to s 54 of the LEIC Act and undertook a procedural fairness process as required by s 51. I made a corruption finding in relation to Ms Thorn, finding that she had engaged in conduct involving an abuse of office. I also made a corruption finding in relation to Ms Forrest, finding that she had engaged in corruption of any other kind.
17. On 13 October 2021, I gave the Attorney-General and the AFP Commissioner my finalised report on Operation Venari in accordance with s 55 of the LEIC Act.
18. I then considered whether it was in the public interest to publish the Investigation Report on Operation Venari under s 209 of the LEIC Act.
19. On 8 November 2021, I notified the AFP Commissioner, Ms Thorn and Ms Forrest that I was considering publishing the Investigation Report on Operation Venari, giving the opportunity to provide submissions on the proposed publication in accordance with s 210 of the LEIC Act. The process concluded on 13 December 2021 with submissions from Ms Thorn and the AFP Commissioner.
20. On 8 November 2021, the AFP Commissioner advised me that AFP Professional Standards (PRS) had raised the corruption vulnerability set out in paragraphs 92-94 of my report as an internal practice issue and will engage with the respective AFP Commands to implement control mechanisms within the AFP's Police Real-time Online Management Information System (PROMIS) to mitigate the risk of unauthorised access. The AFP Commissioner also advised that a separate PROMIS user-group will be established for all new applicants who only require access to the Correspondence Management System (CMS) within PROMIS to prevent unauthorised access by AFP employees with no operational need or purpose to access classified AFP information.
21. In addition to the measures outlined above, the AFP Commissioner advised me that PRS regularly shares key information and learnings to remind and improve members' understanding of unauthorised AFP system access and information release, through such mechanisms as the PRS 'Integrity Matters' newsletter, all-staff emails, information sessions and training programs. In January 2021, PRS also developed and released an 'Unauthorised Information Access' podcast which discussed the issues surrounding improper systems access and the consequences of unauthorised access for both the employee and the AFP as an organisation.

22. This is the version of the Investigation Report I have decided is in the public interest to disclose.



Jaala Hinchcliffe
Integrity Commissioner

22 December 2021

Summary of the Investigation

23. The people referred to in this report have been anonymised with the use of pseudonyms.

Notification

24. On 24 October 2016, the acting AFP Commissioner notified the then Integrity Commissioner, Mr Michael Griffin AM, of a corruption issue in accordance with s 19(1) of the LEIC Act.
25. The notification disclosed an allegation that there had been an unauthorised release of classified AFP information by an AFP appointee named 'Thorn' to a person of interest in an aggravated robbery.

Jurisdiction

26. On 26 October 2016, the then Integrity Commissioner decided to investigate the matter jointly with the AFP under ss 26(1)(a) and 26(2) of the LEIC Act. The corruption investigation was named Operation Venari.¹⁰ The then Integrity Commissioner was satisfied:
- a) the allegation was within ACLEI's jurisdiction because it involved a person in their capacity as a staff member of a law enforcement agency, namely the AFP,¹¹ and
 - b) if proved, the staff member would have 'engaged in corrupt conduct'.¹²

Investigation

27. On 13 October 2016, the AFP received information alleging that there had been an unauthorised disclosure of AFP information to a suspect in an aggravated robbery. It was alleged that the person who disclosed the information was a person who worked at the AFP with the surname 'Thorn'. This was the information provided to ACLEI on notification.
28. Initial enquiries by the AFP identified the following persons of interest:
- a) Ms Thorn, who was an AFP appointee
 - b) Ms Forrest, the older sister of Ms Thorn, and an AFP appointee, and
 - c) Mr A, who was an associate of Ms Forrest's.

¹⁰ Operation Venari encompassed a range of similar issues relating to the AFP between 2012 and 2017. Each of the corruption issues, except CIN 951 (the subject of this report), were reconsidered under s 42(3)(e) of the LEIC Act by the then Integrity Commissioner, Mr Michael Griffin AM, and no further action was taken.

¹¹ LEIC Act, ss 6(1) and 10(1)(b).

¹² LEIC Act, s 6(1).

Ms Thorn

29. On 18 June 2012, at the commencement of her employment with the AFP, Ms Thorn made an undertaking in relation to accessing AFP systems that included the following:

I understand that *unauthorised* access, modification, deletion, damage or denial of access to Commonwealth data stored in computers is an offence, and that the unauthorised use or disclosure of information ... is an offence.

...

I undertake that I will access only such data held on AFP and/or other computers as is necessary for me to efficiently and lawfully perform my duties.

30. Ms Thorn performed the duties of an assistant in her work area and was asked by her team leader to obtain access to PROMIS, primarily so she could record correspondence in the Correspondence Management System (CMS). CMS is only accessible through the PROMIS system. PROMIS is a case management system used by the AFP to manage operations and support operational activities.
31. On 20 September 2016, Ms Thorn gained access to PROMIS and attended an introductory training course on its use. During the training, Ms Thorn was warned about misusing the database for unofficial reasons such as casual browsing. Ms Thorn was provided with newspaper clippings reporting instances where former personnel had been prosecuted for making unauthorised disclosures of intelligence information, including information found on PROMIS.
32. Despite having access to PROMIS, a need did not arise for Ms Thorn to enter any information into CMS. As a result of this, Ms Thorn did not have a business reason to access PROMIS during the course of her employment with the AFP.

Ms Forrest

33. On 11 July 2012, Ms Forrest signed an Acknowledgement of Information Handling and Secrecy Obligations Form regarding her responsibilities in relation to the handling of AFP information and her secrecy obligations. The form contained the following acknowledgement:

The *Australian Federal Police Act 1979* (Cth) secrecy provisions provides that any information obtained in the course of carrying out, performing or exercising any AFP duties, functions or powers is protected (referred to as 'AFP information').

I understand that improper access, use or disclosure of AFP information may severely damage the reputation of the AFP or the AFP's ability to perform its statutory functions and may constitute a criminal offence.

I must not use, disclose, divulge, communicate or record AFP information except in the course of performing my duties or providing services or assistance to the AFP.

34. Ms Forrest provided administrative support in her work area and would occasionally fill in as Executive Assistant to the Manager of that area. Ms Forrest had access to PROMIS so that she could use CMS, which was a requirement of both roles. Ms Forrest did not have a broader business need to access PROMIS.

Investigation of Ms Thorn and Ms Forrest

Unauthorised accesses

35. On 21 September 2016, an IR concerning Mr B, a person of interest in an aggravated robbery, was entered into PROMIS (First IR). An audit of PROMIS revealed that Ms Thorn accessed the First IR three times that day. Ms Thorn also accessed the person entity for Mr B. The person entity listed biographical information and links to other entities of interest, including associates, intelligence reports and events.
36. The audit did not identify any accesses to the First IR by Ms Forrest.
37. On 23 January 2017, Ms Thorn accessed an IR concerning Mr A (Second IR). The Second IR reported that Mr A had a vehicle that was financed through unknown means and is a known associate of Mr B, a suspect of an aggravated robbery in August 2016. Ms Thorn accessed the Second IR four times that day.
38. On 24 January 2017, Ms Thorn accessed another IR concerning Mr A (Third IR). Ms Thorn accessed the Third IR twice that day. Ms Thorn also accessed the Second IR and another IR created on 9 October 2016 concerning Mr B's associates.

Telecommunications records

39. An analysis of telecommunications records showed that there was a decrease in telephone contact between Mr A and Mr B, which coincided with Ms Thorn accessing information relating to Mr B on 21 September 2016.
40. From 1 to 20 September 2016, Mr A and Mr B contacted each other 78 times with a total call duration of 118 minutes. Then, from 21 September 2016 to 12 October 2016, contact between the pair reduced to 22 times with a total call duration of 5 minutes.
41. The majority of the calls during the latter period were six seconds or less and followed by an SMS, which indicates that the calls went unanswered. Mr A did not contact Mr B at all from 1 October 2016 to 14 October 2016.
42. From 13 to 31 October 2016, the level of contact increased to 115 times with a total call duration of 63 minutes.
43. The change in contact patterns is consistent with the information received by the AFP on 13 October 2016 that led to the notification to ACLEI.

Telephone call between Ms Thorn and Ms Forrest

44. On 25 January 2017, Ms Thorn and Ms Forrest had a telephone conversation, during which:
 - a) Ms Forrest asked Ms Thorn for information about Mr A.
 - b) Ms Thorn informed Ms Forrest she was opening an IR relating to Mr A.
 - c) Ms Thorn disclosed information to Ms Forrest from PROMIS, including that Mr B was a suspect in an aggravated robbery as described in the First and Second IR, and Mr A had unexplained wealth and was associated to Mr B as described in the Second IR.
 - d) The pair referenced a previous occasion where Ms Thorn had disclosed information from PROMIS to Ms Forrest relating to a robbery.
 - e) Ms Forrest advised that she had previously told Mr A that Ms Thorn had seen 'thingo with the robbery'.

- f) Ms Forrest advised that Mr A had previously 'cut ties' with Mr B.
 - g) Ms Thorn and Ms Forrest discussed ways to persuade Mr A to again break ties with Mr B in light of the seriousness of the situation as they perceived it.
 - h) Ms Forrest advised she would tell Mr A that he was being watched because of his association with Mr B.
 - i) They discussed whether or not to tell Mr A that the information was obtained from PROMIS.
 - j) They also discussed how their colleagues would perceive the IRs if they happened to see them.
 - k) Finally, Ms Forrest admitted that she had been checking the system since Ms Thorn had told her about seeing information relating to Mr B and another associate.
45. Shortly after the telephone call ended on 25 January 2017, investigators executed search warrants on Ms Thorn and her work area.

Record of Interview

46. On 25 January 2017, Ms Thorn participated in a record of interview.
47. Ms Thorn confirmed that she had:
- a) signed the undertaking in relation to accessing AFP systems
 - b) attended PROMIS training, and
 - c) been given information in the course of the training about improper accesses to information in PROMIS in the form of a handout.
48. Ms Thorn stated that she could not recall clear guidance being provided in the training aside from this.
49. Ms Thorn admitted to:
- a) using PROMIS and accessing the First, Second and Third IR
 - b) accessing Mr B's person entity in PROMIS, and
 - c) accessing a range of other IRs and entities in PROMIS, including a third party she knew.
50. She explained that she had accessed these entries through curiosity and because she recognised some of the names.
51. Ms Thorn stated that she understood the 'need-to-know' principle. She expressed it as 'unless you need to know it you don't ... search a name or search an investigation or something'. Notwithstanding this, she also expressed the view that if the information was accessible to her then it must not be 'off limits'.
52. Ms Thorn initially denied having disclosed any information from PROMIS to another person but she stated that she may have discussed some things which were 'common knowledge'.
53. Ms Thorn also denied knowledge of some of the details of the IRs. For example, she claimed that she had only seen Mr B's name in the First IR and did not realise that the First IR concerned him being a suspect in relation to a robbery.
54. However, when asked about her telephone call with Ms Forrest earlier that day, Ms Thorn admitted to disclosing information acquired through PROMIS to Ms Forrest. She stated that she had 'panicked and told [Ms Forrest] that [she had]

seen [Mr A's] name as an associate of [Mr B] and that [Mr B] was mentioned in a ... robbery'.

55. Ms Thorn did not admit to disclosing PROMIS information to Ms Forrest or anyone else prior to 25 January 2017. However, she conceded that she 'probably would've mentioned' the information in the First IR to Ms Forrest.
56. On 9 May 2017, ACLEI investigators wrote to Ms Forrest's lawyer to request she participate in a record of interview. A response was not received and no record of interview took place.

Ms Thorn's mobile phone

57. Ms Thorn's phone was seized by ACLEI investigators on 25 January 2017. The phone contained the following electronic note which is reflective of the Second IR:
... Financial through unknown means, know. Associate – suspected aggravated robbery cash ... aug 2016

PROMIS audit

58. Audits of PROMIS revealed that between 20 September 2016 and 25 January 2017:
 - a) Ms Thorn accessed 445 records on PROMIS.
 - b) Ms Forrest did not access any records.

Findings

59. I am required under section 54 of the LEIC Act to provide my findings on a corruption issue.

Findings in relation to Ms Thorn

60. I am satisfied that evidence obtained in the course of Operation Venari permits me to make findings that Ms Thorn, a former staff member of the AFP, engaged in conduct involving an abuse of office.¹³
61. 'Abuse of office' is not defined in the LEIC Act. It is a concept primarily used in the context of criminal law. It involves a misuse of one's office, generally to dishonestly benefit oneself or another, or to dishonestly cause detriment to another.¹⁴
62. While my finding concerns corruption, not criminality, I consider these general elements expounded in the criminal law useful in considering whether a staff member of a law enforcement agency has engaged in conduct involving an 'abuse of their office'.
63. As an AFP appointee, Ms Thorn was subject to a secrecy provision set out in s 60A of the *Australian Federal Police Act 1979* (Cth) (AFP Act) which provides that any information obtained in the course of carrying out, performing or exercising any AFP duties, functions or powers is protected.

¹³ LEIC Act (n1) s 6(1)(a).

¹⁴ See *Criminal Code* (Cth) s 142.2(1).

64. Additionally, Ms Thorn had a duty to uphold the good order, discipline, and security of the AFP and act with honesty and propriety in the course of her duties in accordance with the AFP Code of Conduct.¹⁵
65. Furthermore, Ms Thorn was subject to the AFP's information management principles which determined that access to information must be based on an official AFP requirement, employees must protect AFP information from unauthorised access and use, and must only disclose information when they are authorised to do so.¹⁶
66. The accessing and disclosure of information obtained through a public official's employment is also governed under the *Criminal Code Act 1995* (Cth) (Criminal Code). Section 122.4 of the Criminal Code creates a criminal offence for the unauthorised disclosure of information by current and former Commonwealth Officers. Similarly, s 478.1 makes it a criminal offence to access restricted data without authorisation.
67. The evidence demonstrates that Ms Thorn accessed protected AFP information relating to Mr B and Mr A and disclosed the information to Ms Forrest. Although initially accessed out of curiosity, the primary reason for the conduct was to identify concerns with Mr A and his associates and benefit Ms Forrest by tipping her off about issues relevant to someone she was associated with.
68. I am satisfied that the evidence supports the inference that Ms Forrest disclosed information to Mr A about the First IR shortly after Ms Thorn accessed it on 21 September 2016 and that this resulted in Mr A significantly decreasing his contact with Mr B from 21 September 2016 to 12 October 2016.
69. However, the investigation did not establish that AFP information had been provided to Mr B.
70. On the basis of the evidence and material collected in the course of Operation Venari, I find the following in relation to Ms Thorn:
 - a) I am satisfied that Ms Thorn accessed 445 records in PROMIS without a business need.
 - b) I am satisfied that Ms Thorn improperly disclosed AFP information to Ms Forrest on or around 21 September 2016 and on 25 January 2017.
 - c) While Ms Thorn denied disclosing AFP information to Ms Forrest prior to 25 January 2017, the weight of evidence supports the contrary view that Ms Thorn disclosed information from the First IR to Ms Forrest shortly after accessing it on 21 September 2016 and that Ms Forrest disclosed the information to Mr A. This is supported by the decrease in telephone communication between Mr A and Mr B from 21 September 2016 and aspects of the telephone call between Ms Thorn and Ms Forrest on 25 January 2017 referencing an earlier disclosure by Ms Thorn to Ms Forrest.
 - d) The disclosure of information meant that Ms Thorn's associates had access to AFP information they would not have been privy to had it not been for their association with her.
 - e) Ms Thorn's conduct was in breach of her obligations under the AFP Act, the AFP Code of Conduct and the AFP National Guideline on information management. Specifically, Ms Thorn had a duty to not improperly access or

¹⁵ AFP Code of Conduct <<https://www.afp.gov.au/sites/default/files/PDF/afp-code-of-conduct-2011-11.pdf>>.

¹⁶ AFP National Guideline on information management <https://www.afp.gov.au/sites/default/files/PDF/IPS/AFP%20National%20Guideline%20on%20information%20management_0.pdf> [4], [7]-[8].

disclose AFP information for an improper purpose. To do so for the purpose of benefiting Ms Forrest was an improper purpose.

- f) I am satisfied that Ms Thorn was aware that accessing classified AFP information and disclosing it to Ms Forrest was contrary to the law and her responsibilities as an AFP appointee.

71. Accordingly, I find that Ms Thorn engaged in corrupt conduct within the meaning of s 6(1)(a) of the LEIC Act.

Findings in relation to Ms Forrest

72. I am satisfied that evidence obtained in the course of Operation Venari permits me to make findings that Ms Forrest, a former staff member of the AFP, engaged in conduct involving, or for the purposes of, corruption of any other kind.¹⁷

73. 'Corruption of any other kind' is not defined in the LEIC Act. In considering the meaning of these undefined words in the LEIC Act, I have been assisted by the following dictionary definition of 'corruption':¹⁸

...a deliberate act of dishonesty, breach of the law, or abuse of public trust or power that undermines or is incompatible with the impartial exercise of an official's powers, authorities, duties or functions.

74. Further, in *ICAC v Cunneen*, Gageler J found that 'corruption':

...connotes moral impropriety in, or in relation to, public administration. It has never acquired a more precise meaning in the language of the law or in ordinary speech¹⁹.

75. In considering this definition, I have also had regard to the 'duties and powers' of Ms Forrest as a staff member of the AFP.

76. As an AFP appointee, Ms Forrest was subject to the secrecy provision set out in s 60A of the AFP Act referred to above, which provides that any information obtained in the course of carrying out, performing or exercising any AFP duties, functions or powers is protected.

77. Ms Forrest was required to uphold the good order, discipline and security of the AFP and act with honesty and propriety in the course of her duties in accordance with the AFP Code of Conduct.²⁰

78. Ms Forrest was also required to comply with the AFP National Guideline on information management, which determines that access to and use of information must be based on an official AFP requirement and that AFP information must be protected from unauthorised release.²¹

79. As a PROMIS user, Ms Forrest was subject to the conditions relating to the use of information available in that system.

80. The evidence shows that Ms Forrest disclosed AFP information to Mr A, monitored PROMIS and sought AFP information from Ms Thorn. She engaged in this conduct with the intent of benefiting herself by deterring Mr A from associating with Mr B, and to protect her reputation and employment with the AFP.

¹⁷ LEIC Act (n1) s 6(1)(c).

¹⁸ Encyclopaedic Dictionary.

¹⁹ (2015) 256 CLR 1, 32

²⁰ Section 8.10 AFP Code of Conduct.

²¹ AFP National Guideline on information management (n16) [4], [7]-[8].

81. On the basis of the evidence and material collected and analysed in the course of Operation Venari, I find that:
- a) Ms Forrest disclosed PROMIS information to Mr A on or around 21 September 2016.
 - b) Ms Forrest solicited further PROMIS information from Ms Thorn on 25 January 2017.
 - c) I am satisfied that Ms Forrest intended to disclose further AFP information, provided to her on 25 January 2017, to Mr A to deter him from associating with Mr B as discussed in the telephone call with Ms Thorn that day.
 - d) As an AFP appointee, Ms Forrest had obligations around the protection of AFP information and was subject to the ongoing secrecy provision under the AFP Act. She was obligated to not use, disclose, divulge, or communicate any AFP information except in the course of performing her duties or providing services or assistance to the AFP. Ms Forrest signed a form acknowledging these obligations when she commenced her employment with the AFP.
 - e) Ms Forrest acted contrary to her obligations when disclosing information to Mr A. Despite not accessing the information herself, her obligations with regards to the handling of AFP information remained. The fact that she did not directly obtain the information did not affect her responsibilities. Ms Forrest had a duty to not use or disclose AFP information for an improper purpose.
 - f) I am satisfied that Ms Forrest's conduct in relation to the disclosure and solicitation of AFP information was a breach of her obligations under the AFP Act, the AFP Code of Conduct and the AFP National Guideline on information management.
 - g) I am satisfied that Ms Forrest was aware that disclosing AFP information to Mr A and soliciting it from Ms Thorn was contrary to her responsibilities as an AFP appointee.
 - h) I am satisfied that Ms Forrest monitored PROMIS for an improper purpose. Although the audit of Ms Forrest's PROMIS user ID did not identify any unauthorised accesses, Ms Forrest informed Ms Thorn that she had been 'checking' the system for alerts. It is likely that Ms Forrest was referring to a list of titles available on the PROMIS homepage that correspond with IRs created in the previous 72 hour period.
 - i) Ms Forrest did not have a proper reason to check information on PROMIS. By engaging in this conduct, Ms Forrest improperly accessed PROMIS and in doing so, knowingly acted contrary to her obligations under the AFP Act, the AFP Code of Conduct and the AFP National Guideline on information management.
82. I am therefore satisfied that Ms Forrest engaged in corrupt conduct within the meaning of s 6(1)(c) of the LEIC Act.

Action under Part 10 of the LEIC Act

83. On 21 July 2017, the then Integrity Commissioner referred evidence of a breach of duty or misconduct by staff members obtained in the course of Operation Venari to the AFP Commissioner in accordance with s 146 of the LEIC Act.

84. On the same day, the then Integrity Commissioner referred a brief of evidence arising out of the investigation to the Commonwealth Director of Public Prosecutions (CDPP) in relation Ms Thorn and Ms Forrest pursuant to s 142 of the LEIC Act.
85. AFP Professional Standards (PRS) conducted a code of conduct investigation into the conduct of Ms Thorn and Ms Forrest for the period 20 September 2016 to 25 January 2017.
86. The code of conduct investigation established that Ms Thorn had:
 - a) accessed AFP information without a business reason on 445 occasions between 20 September 2016 and 25 January 2017.
 - b) improperly released AFP information to Ms Forrest on or about 21 September 2016 and 25 January 2017.
87. The code of conduct investigation into Ms Forrest established that she had:
 - a) sought AFP information for an improper reason on 25 January 2017.
 - b) improperly released AFP information to Mr A between 20 September 2016 and 25 January 2017.
88. Such conduct breached the AFP Code of Conduct and as such, PRS recommended that Ms Thorn's and Ms Forrest's employment be considered for suitability.
89. On 19 June 2018, Ms Thorn and Ms Forrest each gave notice of their resignation from the AFP, which the AFP accepted on 22 June 2018.
90. On 7 March 2019, for the purposes of the criminal proceedings, Ms Thorn plead guilty to disclosing information contrary to s 70(1) of the *Crimes Act 1914* (Cth).²² On 21 March 2019, Ms Thorn was convicted without sentence on the basis of entering a good behaviour order for 12 months.
91. After considering the brief of evidence, the CDPP did not recommend charges against Ms Forrest.

Corruption Prevention Observation

92. This investigation highlights the significant corruption vulnerabilities—common to many Commonwealth agencies—that arise when employees have access to sensitive information. These include unauthorised access to information and the release of sensitive information to unauthorised third parties.
93. Prior to this incident, the AFP had already implemented a number of strategies to mitigate the risk of unauthorised access and disclosure of its PROMIS system. The AFP National Guideline on information management²³ sets out obligations for AFP personnel in relation to information management. The AFP conducts induction training on prohibitions on unauthorised access and disclosure of restricted information, as well as specific training once PROMIS access is granted to employees who require it for their position. Access to PROMIS is restricted to

²² Section 70(1) of the *Crimes Act 1914* (Cth) was repealed by Schedule 2 of the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018* and substituted with s 122.4 of the *Criminal Code Act 1995*.

²³ AFP National Guideline on information management (n16).

employees with a logon and password, and employees are required to acknowledge the prohibitions on unauthorised access and disclosure upon each login.

94. Nevertheless, in this case Ms Thorn conducted 445 unauthorised accesses to this system. Some potential modifications to the framework for access to PROMIS to avoid this situation recurring in future could include limiting employees' systems access to reflect the specific requirements of their role in the organisation. In this case, access to the Correspondence Management System could be separated from broader access to IRs and other sensitive information in PROMIS.
95. This case highlighted the importance of organisational culture and messaging. In this case, an AFP assistant librarian, despite receiving training and regular reminders on the conditions of access to the PROMIS system, was reportedly of the understanding that these conditions did not apply to her role, as it was not operational. A strong Integrity Framework and culture which actively promotes integrity expectations within an agency should also reinforce that these obligations apply to all employees regardless of their role, responsibility or personal relationships.
96. A final corruption risk identified through this Investigation relates to social capital. While the motivation in this case—to protect family—was arguably altruistic, the disclosure had the unintended consequences of potentially derailing a serious criminal investigation. The access was also part of a broader pattern of extensive 'browsing' of the restricted system, which was not for work purposes. Both individuals were AFP employees and knew of the consequences of their behaviour. Early discussions with managers or the Professional Standards area could have helped these employees manage the situation and avoid broader risk to the AFP, its operations and ultimately their own careers. Employees should be informed regularly of clear, confidential avenues to seek advice to manage risks when they find themselves in situations where they may be personally compromised.
97. ACLEI proposes to work jointly with the AFP to develop an interactive case study, drawing on ACLEI's Fact Sheets on Unauthorised Disclosure²⁴ and Social Capital²⁵ and this investigation, to better illustrate the risks and responsibilities in accessing sensitive information and consequences of unauthorised disclosure, for dissemination to AFP employees and staff of other agencies exposed to similar risks.



Jaala Hinchcliffe
Integrity Commissioner
13 October 2021

²⁴ ACLEI, Corruption Prevention Concepts: Unauthorised Disclosure (https://www.aclei.gov.au/sites/default/files/aclei_corruption_prevention_concepts_factsheet_-_unauthorised_disclosure_of_information.pdf).

²⁵ ACLEI, Corruption Prevention Concepts: Social Capital (https://www.aclei.gov.au/sites/default/files/aclei_factsheet_-_corruption_prevention_concepts_-_social_capital.pdf).