



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

SUMMARY OF INVESTIGATION

**Operation Valadon—
A corruption investigation relating to the former
Commissioner of the Australian Border Force**

Summary of a report to the Attorney-General prepared under s 54
of the *Law Enforcement Integrity Commissioner Act 2006* (Cth)

Report 01/2020



Enquiries about this report can be directed to the
Australian Commission for Law Enforcement Integrity
GPO Box 605, Canberra, ACT, 2601
or by email to contact@aclei.gov.au

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

© Commonwealth of Australia 2020

Except for the Commonwealth Coat of Arms, the Australian Commission for Law Enforcement Integrity logo and any material protected by a trade mark, this document is licenced by the Commonwealth of Australia under the terms of a Creative Commons Attribution 3.0 Australia licence (www.creativecommons.org/licenses/by/3.0/legalcode).



You are free to copy, communicate and adapt the work, as long as you attribute the document to the Australian Commission for Law Enforcement Integrity and abide by the other terms of the licence.

This publication should be attributed as:

Summary of Report 01/2020: Operation Valadon—A corruption investigation relating to the former Commissioner of the Australian Border Force. Australian Commission for Law Enforcement Integrity, Canberra.

The terms under which the coat of arms may be used can be found at:

www.dpmc.gov.au/government/commonwealth-coat-arms.



Table of Contents

About ACLEI Reports	2
The Law Enforcement Integrity Commissioner Act	2
The role of the Integrity Commissioner and ACLEI	2
Corrupt conduct	2
Dealing with corruption issues	3
Reports	4
Standard of proof	4
Summary of the Investigation	5
Notification	5
Jurisdiction	5
Investigation	5
Report	6
What the investigation showed	8
Findings	12
Recommendations	13
Appendix A: Submissions from Mr Quaadvlieg in response to proposed publication of summary of ACLEI investigation report	14
Appendix B: Integrity Commissioner's response to Mr Quaadvlieg's submissions	26

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);
 - Department of Home Affairs (including the Australian Border Force); and
 - prescribed aspects of the Department of Agriculture, Water and the Environment.¹
3. Other Australian Government agencies with law enforcement functions may be prescribed by regulation as being within the jurisdiction of the Integrity Commissioner.

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

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

- having regard to his or her duties and powers, engages in corrupt conduct of any other kind.²
5. The Integrity Commissioner is to give priority to dealing with serious and systemic corruption.

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

² Ibid s 6(1).

³ Ibid ss 18–24 and 38.

⁴ Ibid ss 26–30.

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

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

⁵ Ibid ss 54(1)–(2).

⁶ Ibid s 55.

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

⁸ (1965) 112 CLR 517, 521.

⁹ (2017) 91 ALJR 262, 268 [14]–[18].

Summary of the Investigation

Notification

14. On 1 June 2017, the Acting Secretary of the then Department of Immigration and Border Protection (DIBP), now the Department of Home Affairs (Home Affairs), notified ACLEI of information that raised a corruption issue. The information concerned the then Australian Border Force (ABF) Commissioner, Mr Roman Quaedvlieg.
15. The corruption issue included allegations of conduct by Mr Quaedvlieg that were inconsistent with his oath of office and involved several matters that could amount to engaging in corrupt conduct. In particular, it was alleged Mr Quaedvlieg had provided assistance to a person in obtaining employment in the ABF in circumstances where they were in a secret intimate relationship.

Jurisdiction

16. The ABF Commissioner is a Commonwealth statutory position requiring appointment by the Governor-General of Australia. The ABF Commissioner is the head of the ABF, with significant responsibilities tied to Australia's national security. Mr Quaedvlieg was sworn in as the inaugural ABF Commissioner on 1 July 2015.
17. After considering the 1 June 2017 notification, the then Integrity Commissioner (Mr Michael Griffin AM) was satisfied:
 - (a) the allegations fell within the meaning of the term 'corruption issue' as defined by s 7 of the LEIC Act; and
 - (b) that pursuant to ss 6(1) and 10(2A)(b) of the LEIC Act, the corruption issue concerned Mr Quaedvlieg in his capacity as a staff member of a law enforcement agency, namely DIBP; and
 - (c) the allegations fell within the Integrity Commissioner's function to investigate and report in corruption issues pursuant to s 15(a) of the LEIC Act.

Investigation

18. On 5 June 2017, the then Integrity Commissioner commenced a joint investigation with DIBP into the corruption issue involving Mr Quaedvlieg.

19. The investigation was named Operation Valadon and considered eight allegations of corrupt conduct. Operation Valadon utilised a range of the powers available under the LEIC Act.
20. On 14 August 2017 evidence obtained by ACLEI was passed to the DIBP Secretary as required by s 146 of the LEIC Act. That body of evidence was then utilised in a review and report conducted by the Secretary of the Department of Prime Minister and Cabinet (PM&C) into whether grounds existed for Mr Quaedvlieg's termination. It subsequently formed the basis of action which led to the Governor-General terminating Mr Quaedvlieg's appointment as the ABF Commissioner.
21. On 23 October 2017 evidence obtained by ACLEI was provided to the DIBP Secretary in relation to two further ABF employees.

Report

22. The report of the investigation pursuant to s 54 of the LEIC Act sets out the allegations, the evidence obtained, the findings reached and the various legal and procedural events that have taken place between the commencement of the investigation and the completion of the s 54 report on the investigation on 29 January 2020.
23. The time taken to complete the s 54 report of the investigation was impacted by certain events, including awaiting the outcome of criminal charges brought against a person by the Commonwealth Director of Public Prosecutions (CDPP) arising from their appearance and evidence before the then Integrity Commissioner in a private hearing.
24. On 20 February 2019, the first day of their trial, the person changed their plea and entered pleas of guilty to two charges. The prosecution withdrew a third charge.
25. The pleas of guilty were in respect of:
 - (a) One count of *Give false or misleading information* contrary to s 137.1(1) of the *Criminal Code* (Cth); and
 - (b) One count of *Disclose existence of, and information about, a summons and official matters connected with the summons* contrary to s 92(1) of the LEIC Act.

26. On 29 July 2019, the person was sentenced by the New South Wales (NSW) Local Court. They were sentenced to 7 months imprisonment to be served by way of an Intensive Correction Order, on the condition they complete 100 hours of community service work. They appealed this sentence, which was dismissed by the District Court of NSW on 21 October 2019.
27. Given these criminal charges concerned important aspects of the evidence, it was necessary to await the outcome of the charges, including the appeal process, before the then Integrity Commissioner was able to conclude the investigation phase of Operation Valadon and commence the procedural fairness process as required by the LEIC Act.
28. On commencement of my term as Integrity Commissioner on 10 February 2020, I considered the s 54 report on the investigation prepared by the then Integrity Commissioner. I have considered whether it is in the public interest for information, including sensitive information, about the Operation Valadon investigation to be disclosed to the public.
29. Section 210 of the LEIC Act prevents the Integrity Commissioner from disclosing an opinion or finding that is critical of a person (either expressly or impliedly) unless the person is provided with a statement setting out the opinion or finding and the opportunity to make submissions in relation to the opinion or finding.
30. On 16 March 2020 I provided Mr Quaedvlieg with the opportunity to make submissions in relation to the critical opinions and findings included in this summary. On 30 March 2020 Mr Quaedvlieg provided his written submissions, which disagree with the findings of the former Integrity Commissioner and submit the former Integrity Commissioner could not have been reasonably satisfied of the corrupt conduct based on the evidence before him. Those submissions appear at Appendix A.
31. My response to Mr Quaedvlieg's submissions appears at Appendix B.
32. In deciding whether the disclosure of sensitive information is in the public interest, s 209(4) of the LEIC Act requires the Integrity Commissioner to seek to achieve an appropriate balance between the public interest that would be served by disclosing the information, and the prejudicial consequences that might result from disclosing the information.
33. This summary of the s 54 report on the Operation Valadon investigation is the information I have decided is in the public interest to disclose.

What the investigation showed

34. On the date he was sworn in as ABF Commissioner, Mr Quaedvlieg was living and working in Canberra. He had been a career law enforcement officer serving in the Queensland Police, the AFP, the Australian Crime Commission (as it then was, now the Australian Criminal Intelligence Commission) and the Australian Customs and Border Protection Service. He held the highest level of national security classification. His role involved regular engagement with the 'Five Eyes' international agencies and other domestic and international law enforcement bodies.
35. In March 2016, Mr Quaedvlieg received a Twitter message from a person. He replied directly to the message not long after receiving it. Within the space of ten days, the two had moved from communicating by Twitter, at Mr Quaedvlieg's suggestion, to the encrypted application WhatsApp. They first met in person in April 2016.
36. This person sought Mr Quaedvlieg's advice in respect of their ambition to become a law enforcement officer. At the time, the person was in the process of attempting to join the NSW Police Force and Mr Quaedvlieg arranged for them to speak about recruitment with the Chief Inspector, General Manager of the NSW Police Force Recruitment Branch. Mr Quaedvlieg told the person to tell the Chief Inspector "*I know your family and have been talking to you re cops and ABF interests*". The person was unsuccessful with their application to join the NSW Police Force.
37. The person discussed joining the ABF with Mr Quaedvlieg. With his encouragement, they submitted an application to join the ABF on 6 August 2016. Later that month, Mr Quaedvlieg invited the person to meet him in Melbourne where they shared a hotel room and according to them both, their relationship became intimate. The purpose of that trip, at least in part, was for Mr Quaedvlieg to take the person to the ABF Canine Facility, where the ABF dogs are bred and trained. The person was interested in becoming an ABF dog handler and on that occasion, was able to see and handle the puppies.
38. Shortly after their ABF application was submitted, Mr Quaedvlieg contacted a Senior ABF Officer, whose responsibilities included workforce planning. He, in effect, asked the Senior ABF Officer to monitor the progress of the person's application.
39. Throughout these months, the volume of communications between Mr Quaedvlieg and the person was significant. Indeed, on 9 August 2016, 3 days after their application to join the ABF, the person wrote to Mr Quaedvlieg and noted they had exchanged 28,500 WhatsApp messages, over 1,500 images and 96 videos. These messages included fulsome expressions of love for each other and intimations of a future life together.

40. Also at this time, the Senior ABF Officer was the subject of an Australian Public Service (APS) Code of Conduct investigation. Mr Quaedvlieg spoke to them in a supportive manner about this investigation and sought to, and eventually did, become the Sanction Officer who would decide the sanction for any breach of the APS Code of Conduct. Mr Quaedvlieg would contact the Senior ABF Officer about the progress of the person's ABF application and in the same conversation make reference to their APS Code of Conduct investigation; on one occasion saying words to the effect of "know I've got your back".
41. Mr Quaedvlieg was also offering to act as a referee for other employment and made contact with prospective employers for the Senior ABF Officer. These direct and implied references to the impending breach sanction arising from the APS Code of Conduct investigation were made in conjunction with Mr Quaedvlieg's requests to the Senior ABF Officer to provide assistance to the person. On one occasion, this assistance involved the Senior ABF Officer travelling from Canberra to Sydney and taking the person, still an applicant for ABF employment, on a personal tour of Sydney Airport to view the work of an ABF Intermittent and Irregular Employee (IIE), a position the person subsequently obtained in the ABF.
42. Initially, the person had applied for Border Force Officer Recruit Training (BFORT) entry. This application process involved several test phases. The person did not meet the requirements of one stage of the application phase, however, due to an administrative error, was invited to attend the next phase of the recruitment process.
43. Mr Quaedvlieg repeatedly engaged with the Senior ABF Officer as this process unfolded. In turn, the Senior ABF Officer engaged with several ABF staff involved in the selection process. These interventions soon became the subject of disquiet amongst staff who perceived an inappropriate level of influence being applied to the recruitment of one person.
44. Mr Quaedvlieg had told the Senior ABF Officer that the person was a 'family friend' he was mentoring. At that time, he did not reveal the true nature of their relationship to the Senior ABF Officer or to anyone else, including the Minister when on 25 November 2016 he made his annual declaration of material interests that might give rise to conflict in his duties.
45. On 19 October 2016 the person was advised they had not met the requirements to progress past the assessment centre stage for BFORT entry. Mr Quaedvlieg then sought to have them employed as an ABF IIE, that is, a lower level, effectively casual ABF officer. He wrote to the person to advise of his plan for the person to become an IIE for money and to improve their future prospects for BFORT entry.

46. As it transpired, the person was able to commence employment as an ABF IIE only because the Senior ABF Officer, at Mr Quaedvlieg's request, intervened in the employment process to have their security and suitability clearance approved. The evidence is that had the Senior ABF Officer not intervened, the person would have missed the due date. The person commenced as an IIE in early December 2016.
47. On 24 October 2016, Mr Quaedvlieg communicated with the Senior ABF Officer about providing the person with the option of re-sitting the BFORT assessment centre test. At this time, Mr Quaedvlieg also sought to increase the size of the 2017 BFORT courses from 24 to 30 recruits. To facilitate this increase, the Senior ABF Officer directed that all NSW candidates who did not meet the requirements of the BFORT assessment phase by a small margin be invited to attend the next BFORT recruitment phase, namely the psychometric testing. This decision was the vehicle that enabled the person, and 6 other former BFORT candidates, to be invited back to the BFORT program to undertake psychometric testing.
48. Psychometric testing was a mandatory requirement of the BFORT recruitment process. Its purpose was to assess the suitability of potential recruits to use force in the course of their duties.
49. The person undertook the BFORT psychometric testing on 13 and 16 December 2016. In early January 2017, they were advised they had not met the requirements to progress to the next stage. As a consequence, Mr Quaedvlieg prevailed upon the Senior ABF Officer to attempt to back-capture candidates that did not meet the psychometric testing requirements by employing them as non-ongoing BFORT recruits. Subsequently, the Senior ABF Officer caused DIBP correspondence to be sent to the candidates who did not meet the requirements of the BFORT testing stage, including the person, seeking their expression of interest to be considered as non-ongoing BFORT recruits.
50. As it transpired, the engagement of non-ongoing BFORT recruits was not necessary because the pool of successful BFORT candidates was already more than sufficient to participate in the programmed 2017 recruit courses. As a consequence, the person was not engaged as a non-ongoing BFORT recruit.
51. In April 2017, Mr Quaedvlieg sent an email to the then ABF Deputy Commissioner Support expressing that he wanted to discuss, amongst other matters, the immediate suspension of psychometric testing for BFORT candidates. He also wished to discuss and develop a prospective strategy for psychometric testing and back capture BFORT candidates that did not meet the psychometric testing requirements, either advancing them to a BFORT course or engaging them in an APS Level 2 role within the ABF. This would impact favourably BFORT candidates that did not meet the psychometric testing requirements, including the person.

52. Again at that time, there was a sufficient pool of BFORT candidates that could be drawn on if the ABF required additional BFORT courses and separately, the DIBP, through the Chief Medical Officer, was already engaged in a review of psychometric testing. This review had been ongoing since at least August 2016. As a consequence, the then ABF Deputy Commissioner Support did not take any action to suspend psychometric testing.
53. On 28 February 2017, Mr Quaedvlieg first disclosed his relationship with the person internally to a DIBP staff member.
54. When these and other relevant facts were put to Mr Quaedvlieg, he did not concede any misconduct on his part. He took the view he was not in a relationship with the person, that at any time, required disclosure to the Minister or the DIBP until 6 February 2017, when he disclosed to the DIBP that he had separated from his wife, and later on 28 February 2017, when he disclosed he was in a relationship with the person. Mr Quaedvlieg did not make any disclosure of his relationship with the person to the Minister until May 2017.
55. Mr Quaedvlieg took the view that his dealings with the Senior ABF Officer on behalf of the person was not improper or in conflict with his role as Commissioner. He denied that he improperly manipulated the Senior ABF Officer by prevailing on them to assist the person while at the same time being their APS Code of Conduct Sanction Officer. He took the view that it was a matter for him to determine whether or not his intimate relationship was a security issue, and not for the relevant security authorities to determine.
56. Mr Quaedvlieg denied he sought to change the BFORT psychometric testing arrangements to advantage the person. He said he had ordered the suspension of the testing months earlier in August 2016. He said he gave that direct order to then ABF Deputy Commissioner Support. He said he did this verbally and made no written record of the order.
57. The former Integrity Commissioner found all the evidence was to the contrary.
58. The then ABF Deputy Commissioner Support categorically rejected being given a direction of such significance. No other witness recalled such a direction from the then Commissioner. Moreover, when the person undertook BFORT psychometric testing in December 2016, and Mr Quaedvlieg immediately became aware of it, he did not raise any concern that the testing regime was still in place. He only acted on the psychometric testing after the person was informed they had not passed psychometric testing in January 2017.

Findings

59. The corruption investigation into Mr Quaedvlieg's alleged conduct was an administrative investigation. The Australian criminal law played no part in the then Integrity Commissioner's consideration of whether or not any person engaged in corrupt conduct for the purposes to s 6 of the LEIC Act.
60. The then Integrity Commissioner considered whether or not he was 'reasonably satisfied' of relevant facts and made the following findings on the balance of probabilities. He carefully listened to and considered Mr Quaedvlieg's evidence, the evidence of the other witnesses and extensive documentary evidence. He carefully considered the person's evidence in the context of their pleas of guilty in the NSW Local Court, in particular their plea of guilty in relation to: *Give false or misleading information* contrary to s 137.1(1) of the *Criminal Code* (Cth) in relation to their evidence before the then Integrity Commissioner. In the amended agreed facts submitted for their sentence, the person agreed Mr Quaedvlieg provided them with extensive assistance in obtaining employment with the ABF.
61. The then Integrity Commissioner made the following findings.
62. In relation to **Roman Quaedvlieg**:
- (a) Mr Quaedvlieg engaged in corrupt conduct within the meaning of s 6(1)(a) of the LEIC Act when he provided assistance to a person in relation to their BFORT and IIE applications to join the ABF. The assistance provided to the person occurred in the context where they were involved in a secret intimate relationship.
 - (b) Mr Quaedvlieg engaged in corrupt conduct within the meaning of s 6(1)(a) of the LEIC Act when he used his position as ABF Commissioner in 2016 and 2017 to influence and engage a Senior ABF Officer to monitor the person's application to join the ABF and subsequently provide assistance to the person to obtain employment as an IIE in Regional Command—New South Wales and assistance with their ongoing BFORT application.
 - (c) Mr Quaedvlieg engaged in corrupt conduct within the meaning of s 6(1)(a) of the LEIC Act when he used his position as ABF Commissioner to alter ABF recruitment policies including working with a Senior ABF Officer to do so, substantially in part to provide an advantage to the person in their attempts to gain employment as an ABF BFORT.
63. In relation to the **Senior ABF Officer**:

- (a) The Senior ABF Officer engaged in corrupt conduct within the meaning of s 6(1)(a) of the LEIC Act when they used their position to provide assistance to the person to obtain employment as an IIE in Regional Command—New South Wales and assistance with their ongoing BFORT application.
- (b) The Senior ABF Officer engaged in corrupt conduct within the meaning of s 6(1)(a) of the LEIC Act when they used their position to facilitate the altering of ABF recruitment policies, substantially in part to provide an advantage to the person with their attempts to obtain employment as an ABF BFORT.

Recommendations

- 64. Operation Valadon was a joint investigation between ACLEI and the DIBP into a corruption issue involving Mr Quaedvlieg pursuant to ss 26(1)(a) and (2) of the LEIC Act.
- 65. As a consequence of ongoing engagement between ACLEI and Home Affairs during the course of the joint corruption investigation, the then Integrity Commissioner considered Home Affairs had been apprised of corruption vulnerabilities arising in their systems as they existed in 2017.
- 66. The former Integrity Commissioner also noted that as with other Departments of the Commonwealth, ACLEI maintains ongoing engagement with Home Affairs in advising of corruption vulnerabilities.
- 67. Accordingly, the former Integrity Commissioner made no formal recommendations in respect of the corruption investigation involving Mr Quaedvlieg.



Jaala Hinchcliffe
Integrity Commissioner

30 April 2020

Appendix A: Submissions from Mr Quaedvlieg in response to proposed publication of summary of ACLEI investigation report

30th March 2020

**Jaala Hinchcliffe
Integrity Commissioner
Australian Commission for Law Enforcement Integrity**

Commissioner,

ACLEI Corruption Investigation – publication of summary of report – opportunity to be heard

I refer to your letter of 16th March 2020, affording me an opportunity to make oral or written submissions to you about your proposed publication of the summary of an ACLEI investigation into allegations against me.

I elect to provide you with a written submission.

I note and highlight the following from the summary report:

- It has been 2 years and 9 months since ACLEI commenced its investigation;
- It has been over 2 years since I was terminated from my role as ABF Commissioner as a result of these same allegations;
- The former ACLEI Commissioner has made no recommendations for further action arising from his investigation; and
- The findings of the former ACLEI Commissioner, including the finding that I acted corruptly, are based on the lower threshold of the 'balance of probabilities'.

Despite these points, I feel compelled to provide this short submission prior to you finalising your consideration of the publication of a report which is critical of my conduct.

It is my contention that the former Commissioner was not able to be 'reasonably satisfied', based on the material before him, that the corrupt conduct occurred. I have repeatedly explained in significant detail where the investigative processes have been substantially flawed. As recently as January this year I responded to the former Commissioner's investigation report where I summarised multiple areas of concern with his investigative methodology and subsequent findings. Not only has my most recent response not been acknowledged or referenced, at no point in his investigative continuum have my submissions to him been properly considered. This is particularly indictable as his investigation consistently refused to consider exculpatory material which I have identified as being salient to the issues under consideration.

I don't intend to reiterate here in detail those concerns as you should have access to this material in the case file, however even a cursory review of the investigation since June 2017 will demonstrate deeply flawed methodologies which render the consequent findings procedurally unfair and wholly unreliable, even for this administrative style of inquiry. I categorise these failings as follows:

- Pre-conceived view of culpability;
- Investigative myopia or 'tunnel vision';
- Failures in document discovery on multiple occasions;
- Failure to confirm or negate exculpatory evidence - both documentary and witness testimony – identified by me;
- Rejection and non-inclusion of exculpatory evidence in weighing material;
- Biased and selective assessment of 'evidentiary' material;
- Over-reliance and misinterpretation of selected material (e.g. text messages);
- Over-weighting to untested and uncorroborated and untested witness evidence;
- Miscomprehension of Australian Public Service culture & processes;
- Acute disproportionality of time and resources afforded for responses;
- Unprofessional behaviour of ACLEI investigators; and
- Arbitrary rejection, or negligible consideration, of my evidence and submissions.

The former Commissioner's investigation report is well over 200 pages and cross-references thousands of pages of attachments, and this letter is therefore not the appropriate medium in which to draw out, even by exemplification, each of the above-listed categories of investigative failings, however as the summary report which you propose to publish contains material from which inferences have been drawn, and from which critical findings have been concluded, I will illustrate some of these failings by reference to that material.

BFORT Psychometric Testing

The summary report's (and indeed the investigation report's) portrayal of the chronology and circumstances relating to the BFORT psychometric test is heavily biased, and therefore misleading to an uninformed reader. It does not draw out the following, highly relevant, points which cast an entirely different light on my actions compared to those shaped in the summary report:

- The psychometric test had a long, documented history of problems in the ABF, extending over 12 months, well before these subject events;
- I had expressed repeated concerns internally over the application of the test on multiple occasions - before **the person** applied for the ABF - to high-level entities including the Departmental Secretary (who has affirmed this), but most notably immediately after the suicide of an ABF recruit - partially attributed to the test – in August 2016, months before **the person** sat and failed the test;

- The summary report’s characterisation of my reaction to **the person**’ failing of the test in December 2016 misrepresents the facts as adduced in the investigation – it purports that I acted immediately to modify the application of the test, exclusively to benefit **the person**’ candidacy, with the alleged proximity of these two events supposedly demonstrating culpability on my part. This characterisation fails, by omission, to fairly contextualise my long-held concern and involvement in the continued use of this test over an extended period of time which I raised consecutively with two different subordinates acting in the Deputy Commissioner Support role, both before and well after **the person**’ failing of the test.
- The former Commissioner’s investigation report, as well as the summary report, relies heavily on the failure to find evidence of the so-called ‘direction’ or ‘direct order’ given by me to the Deputy Commissioner Support for the suspension of the psychometric test; subsequently using the absence of that evidence to discredit my assertions I had been concerned with the continued use of the test before and after **the person** failed the test. The phrase, “*The former Integrity Commissioner found all the evidence was to the contrary*”, has been used to reinforce the report’s incredulity with respect to my assertions.

This statement however is patently incorrect and misleading for the following, evidenced, reasons:

- A documented history of problems with the test was discovered and adduced during the investigation;
- The Secretary of the then Department of Immigration and Border Protection provided testimonial evidence that he was aware that I had concerns about the test over a period of time;
- The former Commissioner’s investigation report deceptively re-constructs my evidence regarding the ‘directions’ I gave to Deputy Commissioners Support as being ‘formal public service directions’. The instructions/directions given by me to Deputy Commissioners Support were not formal directions given under the Public Service Act – they were instructions/directions given in the ordinary course of public service interactions and culture, where guidance is given by a leader and that guidance is implemented by subordinates.

Ironically, the language of the summary report itself uses the phrase “...to facilitate this increase, **Senior ABF Officer** **directed** that all NSW candidates...”, under circumstances where he clearly did not give a ‘formal’ public service direction. It is my contention that ACLEI is unfairly inconsistent in reconstructing my evidence to apply one, strict, definition of a ‘direction’ to suits an attempt to prove my culpability, but unfairly doesn’t use that same definition when using ‘direction’ to strengthen its own point about the alleged improper consequence of an action by **Senior ABF Officer** acting on my behalf.

For the investigation report (and the summary report) to imply that it could find no evidence of a formal direction, and subsequently relying on that absence to assert conversations never occurred, is vexatious and unfairly distorts both the actual events and my evidence;

- The former Commissioner had available to him a number of documents, such as the report of the suicide of the ABF recruit, which directly corroborates my evidence on this matter, yet he chose to prefer the diffident testimonial evidence offered by the former Deputy Commissioner Support, who acknowledged her memory was deficient without her diary notes, to which she didn't have access.

Her evidence was compounded by the construct and content of the Examiner's questions put to her with respect to whether she recalled a formal direction (which she didn't as it is an exceptionally rare event in the public service and, as stated, it did not occur on this occasion) as opposed to an ordinary interaction with a superior where she received guidance/direction on my intent;

The summary report itself uses the fact that the Department, through the Chief Medical Officer, was already investigating the use of the psychometric test from August 2016, as evidence of my culpability; contrarily, it was my intervention and discussion with the Deputy Commissioner Support in August 2016 (after the suicide of the ABF recruit), which directly initiated that very DIBP CMO review – that is, I gave the Deputy Commissioner guidance/direction for the CMO to undertake that review.

This was also the exact same conversation during which I gave guidance/direction for the suspension of the test pending the outcome of that CMO review. The fact that the CMO review commenced in August 2016 is again direct evidence of my version of events, including the conduct of the discussion which the Deputy Commissioner Support did not recall, and it is patently clear evidence in support of my claims, not weight to reject them.

- The former Commissioner had available to him an email authored by me, dated April 2017, which again proves definitively that I wanted to discuss suspending the psychometric test. Incidentally, this also demonstrates my continuing concern about the use of the test, even four months after I allegedly only sought to change the test because **the person** had failed it; yet the former Integrity Commissioner failed to deduce that a subsequent conversation had taken place as a result of that email during which, inter alia, I similarly gave guidance/direction to the new Deputy Commissioner Support on my intent for the test;

- In addition to mischaracterising and subsequently discrediting my evidence (i.e. the 'straw man' approach), the investigation report - and the summary report – additionally asserts no witnesses recall a formal 'direction' being given.
 - Firstly, that assertion is based on the flawed premise of a 'formal direction' being given as described above;
 - Secondly, these conversations occurred during regular one-on-one meetings between me as the Commissioner and my Deputy Commissioner, which is entirely appropriate, so the implication that a negative inference ought to be drawn from no other witness recalling such guidance/direction fails abjectly to understand normal command and control practices, and is both erroneous and unfair;
 - Thirdly, the Deputy Commissioner Support often maintained notes of our discussions, which curiously have not been produced; and
 - Lastly, I have pointed repeatedly to other evidence which could be discovered to corroborate my version of events (for e.g. minutes and/or witness evidence from the ABF Board and its predecessor entities where concerns over the test were discussed) which has not been either discovered or adduced.

Intermittent and Irregular Employment (IIE)

The summary report is narrowly contextualising, and is therefore misleading on, the role I purportedly played in **the person**' IIE (casual) employment after **they** failed in **their** candidacy for a substantive ABF recruit role on the following points:

- Paragraph 29 is a narrow and misconstrued statement of the facts relating to **the person**' accelerated commencement as a casual employee which, if read as it stands, is not balanced, objective or fair. The evidence which I have provided consistently on this issue is that the ABF was significantly under resourced for the 2016 peak festive season as a result of the failure of Deputy Commissioner Support and **Senior ABF Officer** to plan and execute workforce capacity strategies as directed during the course of the second half of that calendar year.

As a result of this failure and exacerbated by the sudden departure of Deputy Commissioner Support in September 2016 as well the underperformance of **Senior ABF Officer**, the task of ensuring sufficient workforce resources for the peak season fell to me. A core component of this strategy was to accelerate the recruitment of an entire new cohort of casual ABF employees (IIEs) for deployment before Christmas into Australia's airports.

The achievement of this objective became challenged by lethargy in the Departmental security and suitability clearances for the entire IIE cohort, not just **the person** who was in this stream of casual recruits. In order to overcome this challenge, I directed a temporary waiver and deferral of these requirements for the entire cohort in accordance with standard practice of the Department where urgent requirements dictate a managed risk process to achieve an operational capacity. This policy and practice had been in place, and applied, on a number of occasions prior to this event for exactly these types of resourcing circumstances; all security and suitability clearances are deferred in these cases but still undertaken after the commencement of the staff - as occurred with this IIE cohort.

the person ' individual experience in delays in **their** employment as an IIE - at the very worst interpretation - was merely another weather vane indication to me that the broader workforce capacity issue were not being effectively managed; and the false portrayal of my purported intervention to exclusively accelerate **their** commencement date on an IIE course - which **they** had independently achieved on merit - is out of context and a gross misrepresentation of the circumstances.

- The report further asserts in this part that I “*sought to have **them** employed as an IIE*”, whereas in fact **the person** made the decision to apply for a casual IIE role on **their** own accord after **the person** I discussed her career options, verbally and by text messaging. I didn't 'write' to **them** as it is described in the summary report; my text message to **them** was part of the guidance I was providing **them** on employment options.

BFORT expansion

The investigation report (and the summary report) further relies on allegations I sought to expand the ABF BFORT recruit courses in order to increase **the person** ' chances of gaining placement of one of these courses. Once again, both reports are unfairly misleading through a distorted description of the chronology and the events. They erroneously paint a picture of a severely compressed timeline and restricted decision-making process in expanding the ABF workforce in an attempt to impute an ulterior motive, timing and objective into my actions and directions. What both the investigation report and summary report have negligently omitted is the longstanding, enterprise-wide strategic objectives to achieve this ABF workforce expansion, and the numerous other communications between **Senior ABF Officer** **the person** and me in relation to achieving this objective.

I have provided submissions which clearly assert that ABF workforce decisions, including expanding the ABF recruitment pipeline subject of this examination, had been taken at the peak Executive Committee of the Department as early as mid-2015. That objective was widely known among the Departmental and ABF Executive and re-iterated in discrete work programs code-named 'Fred', 'Ginger' and 'Victor'. These objectives, and the plans to achieve them, had been in place well before the subject events under the scrutiny of Operation Valadon, indeed before I had met **the person** , however despite my repeated urging I have not once sighted any evidence that relevant exculpatory documents have been discovered, or witnesses interviewed, regarding these projects.

With the sudden departure of the Deputy Commissioner Support in September 2016, in a climate of substantial industrial difficulty with rolling strike action by the ABF workforce, I was required to assume the ‘hands-on’ responsibility to manage the implementation of the immediate, short and long-term workforce plans for the ABF. These responsibilities included not just accelerating the casual IIE workforce as described above but managing the ABF BFORT streams for FYs 16/17 and 17/18. There is more than ample evidence available, both in the material available to the former Commissioner, as well as material not discovered, of my guidance/directions to multiple entities in the ABF with respect to workforce planning.

It is entirely misleading, for example, to characterise my interactions with Senior ABF Officer with respect to increasing the ABF course size from 24 to 30 as an exclusive means to enable the person to be back captured for a BFORT course. On that example alone, the scheduled courses which were being increased were largely in States other than NSW, which wouldn’t have advantaged the person; and evidence will also show that at the exact time Senior ABF Officer and I were having an ongoing discussions about broader ABF workforce planning organisational capabilities such as maritime fleet management, as well as their fragile health - not a compartmented discussion about the person’ candidacy as has been portrayed in these passages.

Senior ABF Officer

The summary report pivots substantially on my interaction with Senior ABF Officer and their subsequent actions. I have reviewed my response to the former Commissioner’s investigation report on this point, and I have found it to also be particularly relevant to my concerns on how the proposed summary report characterises their role.

To avoid repetition, I have extracted the passages below, but I highlight two points:

- Certain actions undertaken by Senior ABF Officer have been erroneously attributed to my ‘direction’ in the summary report but are simply not an accurate or fair portrayal. For example, the summary report suggests strongly that I caused Senior ABF Officer to take the person on a “*personal tour of Sydney Airport*”, whereas in fact I did not suggest or propose that idea, nor did I have any involvement in that arrangement; and
- Dr Martin Parkinson comprehensively dealt with this allegation during his investigation, in his findings report, and in his recommendation to the Attorney-General; I note his findings were entirely contradictory to the former Commissioner’s findings in that he assessed I did not leverage pressure over Senior ABF Officer. I question how the two investigations, both long and comprehensive, have contradictory findings.

Extract

“The characterisation of Senior ABF Officer actions and testimony in your report is misleading. It paints them as a vulnerable and obsequious subordinate with no independent capacity for judgement or guile, and no other motivation than acquiescing subserviently to a superior’s

will. The effect of that characterisation is deleterious to any objective and fair consideration of the allegation that I inappropriately influenced Senior ABF Officer to do my bidding.

What's more, an inherent and fatal contradiction is created by this characterisation of Senior ABF Officer – that is, if they was purportedly of the mindset to blindly obey my instructions to them then why did they not obey my repeated and explicit directions [redacted] to (do) nothing inappropriate and not to provide any unfair advantage to the person? It is, in my submission, irreconcilable for the report's analysis to attribute this characterisation to Senior ABF Officer as it relates to your inculpatory commentary but then not to apply that same characterisation as it relates to exculpatory material.

I note here for the record before I further address the reliability of the Senior ABF Officer evidence that Dr Parkinson thoroughly investigated the allegation that I inappropriately influenced Senior ABF Officer and he subsequently dismissed this allegation, confusingly a finding directly contradicting your proposed finding.

Not having the benefit of the full transcripts of hearings of witnesses in this investigation it is difficult for me to assess whether Senior ABF Officer testimony was satisfactorily tested as to their motivations, actions and interactions with me during the period in question. Suffice to say that the report's characterisation of them as a meekly compliant subordinate, acting in blind obedience to a manipulative superior, is incorrect and causes me grave concern as it is a confection of a seemingly plausible, but highly damaging, hypothesis against me. For example, I see no evidence that Senior ABF Officer was examined in relation to:

- Any ulterior motives he may have had in assisting the person considering a number of unsolicited and apparently self-initiated voluntary actions on their part, as well as unsolicited and unrelated text messages to the person, one which was sent while they was on holidays overseas with their family;
- Senior ABF Officer expectation of the future sanction I was to impose on them – had they been examined on this point and had their responses been truthful, they would have stated that I explicitly did not rule out any sanction, especially termination, in every single conversation I had with them in relation to my future decision. This fact wholly eliminates the proposition that Senior ABF Officer was acting on some inveigled belief that I would spare them termination in return for assisting the person;
- their thinking in respect of the relationship between the person and me. At what point, if any, did they think the person and I were in an intimate relationship? Surely this is a highly relevant fact to adduce in considering Senior ABF Officer motivation?
- their rationale for undertaking extraneous actions to assist the person. This is a different point to their motivation – the evidence clearly points to Senior ABF Officer undertaking and directing many actions - unknown to me until I recently read them in your report - which go well beyond the discussions shown in the text messages and disobey my explicit instructions to them to not do anything inappropriate;

- If **they** felt pressured, why **they** didn't confide this fact to, or seek assistance from, one of **their** many colleagues who were assisting **them** with peer support for **their** psychological and emotional distress during this period? Not only is there evidence which demonstrates that the professional relationship I had with **Senior ABF Officer** was a supportive one in which it is highly plausible **they** could have raised any issue with me at any time – in contradiction to your report's characterisation of the relationship as a dictatorial one where **Senior ABF Officer** felt covered – but there is evidence of **Senior ABF Officer** relying on **their** peer support group extensively in this period; however there is no evidence of **them** mentioning **their** discomfort with **their** interactions with me.

The overarching point is that **Senior ABF Officer** and **their** actions and testimony have been misleadingly characterised and are not reliable evidence upon which to determine my culpability on a matter as serious as the allegations. No guile has been attributed to this witness despite a comprehensive internal departmental investigation report proving definitively that **they** sustained multiple deceptions over a period of some time; nor has any attribution made to **them** for an independent capacity for judgement – a position which completely disregards the evidence of **them** reaching substantial seniority in a number of Commonwealth operational agencies.”

Messaging volume

The summary report contains a preliminary passage which describes the nature of the relationship between **the person** and me. In that passage it relies on a message from **the person** to evidence the strength of the relationship by **their** own reference to the volume of text and other exchanges between us in the first five months of the relationship. I have previously protested vigorously at the cavalier use of aggregated volumetrics to galvanise a proposition with respect to this matter. I won't reiterate those protestations other than making two salient points, and including a short extract from my response to the former Commissioner on this issue:

- I have never been provided with an analysis of the text/message exchanges, nor an opportunity to respond to such an analysis, other than when information about the alleged number of text messages inexplicably appeared in News Corp publications while both the Parkinson investigation and the ACLEI investigation were ongoing;
- While it is remarkable considering the point above that in the final summary public report it is proposed that ACLEI will rely on the information provided by **the person** in a private exchange with me, ostensibly to evidence the strength of the relationship, but which will have the effect of damaging both our public reputations; it is beyond extraordinary that ACLEI is prepared to use **the person** own message for this purpose when it has consistently levelled accusations, including criminal charges, at **them** with respect to the reliability of **their** assertions.

If ACLEI is to put information into the public domain, it is my contention that it ought to provide an independent quantitative and qualitative analysis of these exchanges and provide the subjects with an opportunity to respond, rather than

compound what appears to have been unauthorised disclosures of unverified investigative data to the media.

Extract from response to the former Commissioner

*“With regards to your commentary and proposed findings on this allegation (excessive use of mobile phone), it has never been denied by either **the person** or me that we exchanged a large number of private text messages; however the flawed analytical methodology contained in your report attributes an equal proportion of those texts to me, portrays they were distributed evenly across ‘business hours’, and then uses that rudimentary analysis to cast a negative light on my attentiveness to duties and responsibilities as ABF Commissioner. I contend that a less rudimentary analysis will demonstrate a very different pattern and distribution of message exchanges; but more importantly, you will find no evidence of the performance issues which have been unfairly conveyed by this section of your report.*

*Crucially, I have never been provided with any comment or evidence that my attention or performance in the ABF Commissioner role was inadequate, let alone affected by my private exchanges with **the person**. I invite you to engage with the relevant Minister, Mr. Peter Dutton, and the Departmental Secretary, Michael Pezzullo, to inform yourself of their views about my performance in the role before finalising your commentary in this particular respect. I would welcome an opportunity to respond to any criticism of my performance before unsupported criticisms of it is made in a potentially public report”.*

Conclusion

The primary point of the above analyses is not to once again contest the allegations, but to illustrate, by way of just a few examples, the fundamentally flawed nature of the former Commissioner’s investigative methodology which has rendered his finding manifestly unreliable. In turn, the summary report is the poisoned fruit which unfairly maligns my reputation and which, if published, will be an indelible record with enduring, life-long, consequences on many facets of my life and those persons associated with me.

I contend the public interest is not served by this report being published in this form. No utility will be derived from its publication. On the contrary, it would be a public disservice to place this specious report into the public domain when legitimate questions have been raised about the veracity and reliability of its provenance. Factors militating against its publication specifically are:

- The pervasive flaws in the investigative method and analysis;
- That evidence of selective witnesses has been relied on heavily without any opportunity being provided to me to challenge that testimony;
- The fact I have already been terminated in a highly public manner on these identical charges over two years ago;

- The extraordinarily wide and deep media coverage of this matter to date which has had a substantial extra-curial effect which would be exacerbated by further public reporting; and
- the reverberant (employment, health and relational) effects on a number of other individuals.

Fundamental procedural errors, such as the failure to respond to my offers to provide irrefutable evidence of unprofessional behaviour by ACLEI investigators, or to seek from me available and corroborative evidence of conversations I claim have taken place (but rejected by the former Commissioner), have compounded what has been an inordinately long and seriously flawed investigation which is not ameliorated by the assertion that ACLEI needed to wait for the conclusion of **the person** court process to finalise Operation Valadon – that 15 month period could, and should, have been used to quality-assure the process, discover the exculpatory evidence I have point to, and rectify the multitude of flaws in the investigation.

Should ACLEI publish the summary report as presented, I expect this response to be included in the publication in order that my position and views be concomitantly published for posterity.

I reserve all of my rights.

Yours sincerely

Roman Quaadvlieg

**Appendix B: Integrity Commissioner’s response to Mr
Quaedvlieg’s submissions**



Our ref: 19/146

24 April 2020

Mr Roman Quaedvlieg
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr Quaedvlieg

ACLEI Corruption Investigation – publication of summary of report

I refer to the investigation of a corruption issue by the Australian Commission for Law Enforcement Integrity (ACLEI) into allegations concerning your conduct when you were the Australian Border Force Commissioner.

On 16 March 2020 I wrote to you to provide you with the opportunity to make a submission about the proposed public disclosure of the: *'Summary of Investigation: Operation Valadon – A corruption investigation relating to the former Commissioner of the Australian Border Force'* (the summary). Your submission was provided by your legal representative on 3 April 2020.

When providing your submission, your legal representative also provided your submission to the investigation report, which was due on 24 January 2020. Your legal representative stated this submission was not previously provided to ACLEI due to an error on their part.

On 20 November 2019 you were provided with a letter, dated 18 November 2019, from the former Integrity Commissioner. That letter contained a statement detailing the proposed findings in the investigation report that were critical of your conduct and provided you with copies of the evidence and/or summaries of the evidence considered by the former Integrity Commissioner and which was relevant to your conduct.

Your written submissions were due by 6 January 2020. You were advised if no written submissions were received, the investigation report would be finalised.

You did not provide a submission or make any contact with ACLEI by the due date.

On 13 January 2020, one week after the due date, your legal representative sought an extension for you to provide your written submission. The former Integrity Commissioner provided you with an extension to 24 January 2020.

ACLEI did not receive a submission from you by the due date of 24 January 2020 and consequently, the former Integrity Commissioner finalised his report on 29 January 2020.

I have therefore not considered your submissions in relation to the opinions or findings critical of your conduct in relation to the former Integrity Commissioner's report of the investigation.

Consideration of your submissions dated 30 March 2020

You submit it is not in the public interest to publically disclose the summary of the Operation Valadon investigation report due to:

1. The pervasive flaws in the investigative method and analysis;
2. Evidence of selective witnesses has been relied on heavily without any opportunity being provided to you to challenge that testimony;
3. The fact you have already been terminated in a highly public manner on these identical charges over two years ago;
4. The extraordinarily wide and deep media coverage of this matter to date which has had a substantial extra-curial effect which would be exacerbated by further public reporting; and
5. The reverberant (employment, health and relational) effects on a number of other individuals.

1. *The pervasive flaws in the investigative method and analysis*

I have considered the investigation undertaken by the former Integrity Commissioner. I note section 48 of the *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) provides the Integrity Commissioner may conduct an investigation into a corruption issue in such a manner as they see fit.

During the initial phase of this investigation, ACLEI was provided with extensive documentation from the then Department of Immigration and Border Protection (DIBP). Additionally, material was produced in response to 23 notices to give information or to produce documents or things.

The investigation took evidence from 34 witnesses who appeared and gave evidence before the former Integrity Commissioner in hearings. All of the witnesses were observed by the former Integrity Commissioner and examined by Counsel Assisting. All of this evidence was available for the former Integrity Commissioner to determine the corruption issues to the civil standard of proof.

2. *That evidence of selective witnesses has been relied on heavily without any opportunity being provided to me to challenge that testimony*

I have reviewed the Operation Valadon investigation to identify the opportunities you have been afforded to provide evidence and to address evidence in relation to findings and opinions relevant to your conduct. You were provided with the opportunity to:

- appear and give evidence before the former Integrity Commissioner in relation to the allegations of corrupt conduct against you;
- to appear and provide your submissions in relation to the proposed critical opinions and findings in the investigation report against you; and
- to appear and provide your submissions in relation to the proposed public disclosure of the critical opinions and findings made against you.

In relation to the opportunity to provide your submissions in relation to the proposed critical opinions and findings in the investigation report, you were provided with:

- a statement setting out the former Integrity Commissioner's proposed findings as set out in the draft report. These extracts included the substance of the former Integrity Commissioner's reasoning process as to why the proposed critical findings were considered to be open based on the evidence before him; and
- copies of the evidence referred to in the extracts of the draft report and summaries of evidence considered by the former Integrity Commissioner in arriving at the proposed findings.

3. *The fact that I have already been terminated in a highly public manner on these additional charges over two years ago*

I have considered the previous publication of information relevant to this investigation.

4. *The extraordinarily wide and deep media coverage of this matter to date which has had a substantial extra-curial effect which would be exacerbated by further public reporting*

I have considered the previous publication of information relevant to this investigation.

5. *The reverberant (employment, health and relational) effects on a number of other individuals*

In accordance with section 210 of the LEIC Act, where I have included an opinion or finding in the summary that is critical (either expressly or impliedly) of a person's conduct, I have provided that person with the opportunity to appear and make submissions about the disclosure of that opinion or finding.

Where I have received submissions, I have carefully considered them. As is required by subsection 209(4) of the LEIC Act, I have balanced the public interest that would be served by disclosing the information in the summary and the prejudicial consequences that might result from disclosing that information.

Conclusion

I have concluded it is in the public interest to disclose the summary of the Operation Valadon investigation report. I have determined this disclosure will promote the identification, detection, reporting and prevention of corrupt conduct in law enforcement agencies.

The disclosure of the summary will ensure this investigation and its findings are transparent and will promote public confidence in the identification and investigation of corruption issues by ACLEI and those agencies within ACLEI's jurisdiction.

Other issues raised in your submissions

At page 11 of your submission, you claim there has been: *'Fundamental procedural errors, such as the failure to respond to my offers to provide irrefutable evidence of unprofessional behaviour by ACLEI investigators'*.

If you wish to make a complaint about the conduct of ACLEI staff members, please provide the complaint and the evidence on which your complaint is based, to: contact@aclei.gov.au or use the reporting forms available on ACLEI's website (www.aclei.gov.au).

The summary will be disclosed shortly.

The contact officer in relation to this matter is [REDACTED] Director Legal, who can be contacted at [REDACTED] or [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jaala Hinchcliffe', with a long horizontal stroke extending to the right.

Jaala Hinchcliffe
Integrity Commissioner