



**A report on the
Commonwealth Ombudsman's
activities in monitoring
controlled operations**

For the period 1 July 2016 to 30 June 2017

AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY

AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION

AUSTRALIAN FEDERAL POLICE

**Report by the Commonwealth Ombudsman
under s 15HO of the *Crimes Act 1914***

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OVERVIEW

This report presents the results of the inspections of the Australian Commission for Law Enforcement Integrity (ACLEI), the Australian Criminal Intelligence Commission (ACIC) and the Australian Federal Police (AFP), conducted by the Office of the Commonwealth Ombudsman (the Office) under Part IAB of the *Crimes Act 1914*, for the period 1 July 2016 to 30 June 2017.

Part IAB provides a framework for these agencies to conduct covert operations, known as controlled operations, for the purpose of investigating certain serious offences. These agencies may internally grant an authority to authorise a controlled operation. Participants involved in such operations are protected from criminal responsibility and indemnified against civil liabilities that may arise as a result of certain activities undertaken during the course of the operation, if certain conditions are met.

The Office provides independent oversight of agencies' use of these powers by conducting inspections at each agency. At these inspections, we assess whether agencies are compliant with Part IAB and have processes in place to support compliance. We also consider agencies' transparency and accountability and we encourage agencies to disclose issues to our Office. Where we or the agency identify issues, we focus on the actions taken by the agency to address them.

For the 2016–17 period, we inspected all authorities that the ACIC and the AFP reported had expired or were cancelled between 1 January and 31 December 2016. No inspection of ACLEI's controlled operations records was undertaken as it advised no authorities had expired or were cancelled during the period.

We identified some exceptions to compliance at both the ACIC and the AFP, including instances where the agencies may not have granted a valid authority to conduct the controlled operation, and where participants or activities of controlled operations may not have been authorised, as they were not identified on the relevant authority. We consider such non-compliance to present a high level of risk and will continue to monitor these issues at future inspections. Both agencies have continued to be cooperative and transparent with our Office.

INTRODUCTION

Part IAB of the *Crimes Act 1914* (Part IAB) enables certain law enforcement agencies to conduct controlled operations. Controlled operations can be broadly described as covert operations carried out for the purpose of obtaining evidence that may lead to the prosecution of a person for a serious Commonwealth offence.

Where a controlled operation is authorised under Part IAB, participants are exempt from any criminal liability and indemnified from civil liability arising from their acts or omissions during the course of the operation, provided that certain conditions under Part IAB are met.

To ensure an appropriate level of transparency, Part IAB also imposes a number of reporting obligations on agencies.

What we do

The Commonwealth Ombudsman (the Ombudsman) performs the monitoring mechanism under Part IAB. The Ombudsman must, at least once every 12 months, inspect agencies' records to determine the extent to which the agency and its officers have complied with Part IAB. The Ombudsman must report to the Minister for Home Affairs (the Minister), as soon as practicable after 30 June each year, on inspections conducted during the preceding 12 months. This report sets out the results of the Office's inspections conducted between 1 July 2016 and 30 June 2017.

In this report, the Ombudsman must also include comments on the comprehensiveness and adequacy of the reports provided by agencies to the Minister and the Ombudsman under ss 15HM and 15HN of Part IAB.

Who we monitor

The Ombudsman is required to monitor the activities of the Australian Commission for Law Enforcement Integrity (ACLEI), the Australian Criminal Intelligence Commission (ACIC) and the Australian Federal Police (AFP). The Ombudsman must also inspect the ACIC's records to determine the extent of its compliance with corresponding state controlled operations legislation, if the ACIC has used them.

Why we monitor agencies

Part IAB grants law enforcement agencies with extraordinary powers. It is the Ombudsman's role to assess agencies' compliance with Part IAB and determine the extent to which agencies are approving and conducting controlled operations in accordance with the Act.

How we monitor agencies

We have established a set of inspection methodologies that we apply consistently across all agencies. These methodologies are based on legislative requirements and we focus our inspections on areas of high risk and take into consideration the impact of non-compliance.

We form our assessments based on the records made available at the inspection, discussions with relevant teams, processes we observe and information staff provide in response to any identified issues. To ensure that agencies are aware of what we will be assessing, we provide them with a broad outline of our criteria prior to each inspection. This assists agencies to identify and present the best sources of information to demonstrate compliance.

If necessary, the Ombudsman can rely on coercive powers to obtain any information relevant to an inspection and is to be given information despite any other laws.

We encourage agencies to be upfront and disclose any instances of non-compliance to our Office and inform us of any remedial action the agency has taken. At the end of each inspection we provide our preliminary findings to the agency to enable them to take any immediate remedial action.

We may also assist agencies in ensuring compliance through assessing agencies' policies and procedures, communicating 'best-practices' in compliance and engaging with agencies outside of the inspection process.

Our criteria

The objective of our inspections is to determine the extent of compliance with Part IAB by the agency and its law enforcement officers. We use the following criteria and consider the following questions to assess compliance:

1. Did the agency obtain the proper authority to conduct the controlled operation?
2. Were activities relating to a controlled operation covered by an authority?
3. Were all records kept in accordance with Part IAB?
4. Were reports properly made?
5. Was the agency cooperative and frank?

Further details can be found at [Appendix A](#).

How we report

After an inspection, agencies are provided with detailed inspection reports. To ensure procedural fairness we provide a draft report on our findings to the agency for comment before it is finalised. The finalised reports are desensitised and form the basis of our reports to the Minister. Inspection results are considered finalised once the Ombudsman's internal report to the agency is completed. Typically there will be some delay between the date of inspection and the report to the Minister.

Included in this report is an overview of our compliance assessment of each agency, a discussion of each agency's progress in addressing any significant findings from previous inspections, details of any significant issues resulting from these inspections and a comment on the adequacy of reports provided by agencies.

We may also discuss issues other than instances of non-compliance, such as the adequacies of an agency's policies and procedures to ensure compliance with Part IAB. Examples of what we may not include in this report are administrative issues or instances of non-compliance where the consequences are negligible.

This report presents the performance of each agency against our inspection criteria and discusses some exceptions to compliance (including where we were unable to determine compliance) for each agency. This report covers authorities that expired or were cancelled during the period 1 January to 31 December 2016. For security reasons, we do not inspect records relating to authorities which are still in force.

AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY

No inspections of ACLEI's controlled operations records were conducted in 2016–17, as ACLEI advised that no controlled operations authorities expired or were cancelled from 1 January to 31 December 2016.

Issues from previous inspections

No compliance issues were identified during 2015–16.

Comprehensiveness and adequacy of reports

Section 15HM requires each agency to report to the Ombudsman and the Minister, as soon as practicable after 30 June and 31 December, on the details of its controlled operations during the preceding six months. This section also sets out the details the report must include.

Under s 15HN, as soon as practicable after 30 June in each year, each agency is required to submit a report to the Minister setting out the details required under ss 15HM(2), (2A), (2B) and (2C) in relation to controlled operations it authorised during the previous 12 months.

ACLEI submitted its six-monthly reports under s 15HM for the periods 1 January to 30 June 2016 and 1 July to 31 December 2016 to our Office, and its 2015–16 annual report, in accordance with Part IAB. We were satisfied that the required information was included in all reports.

AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION

We conducted two inspections at the ACIC during 2016–17.

The first inspection was held from 30 November to 1 December 2016, during which we inspected the records relating to all seven authorities that expired or were cancelled between 1 January and 30 June 2016.

The second inspection was held from 19 to 21 April 2017 and we inspected all 17 authorities that expired or were cancelled between 1 July and 31 December 2016.

No recommendations were made as a result of either inspection, however we identified, and the ACIC disclosed, a small number of issues, the most significant of which are discussed below.

We would like to acknowledge the ACIC's cooperation during the inspections and its ongoing frank and open engagement with our Office, in addition to its practice of pro-active disclosure.

Issues from previous inspections

No significant issues were identified during our 2015–16 inspections. However, as noted in our previous report, for one controlled operation authority, we were unable to determine whether the activities engaged in were covered by the authority. Although this was not identified during our 2016–17 inspections, we did identify two issues regarding whether activities engaged in during a controlled operation were authorised. Further details are below.

Findings from 2016–17

Finding 1 – Participant of controlled operation may have engaged in activity not listed on the authority

What Part IAB states

Sections 15HA and 15HB provide protection from criminal and civil liability for participants that engage in conduct during the course of a controlled operation. If conduct is not authorised, these protections may not apply and the participant may be open to criminal and civil liability for their actions.

Similarly, under s 15HA(2), a civilian participant of a controlled operation is protected from criminal liability if certain conditions are met. These conditions include being identified on the relevant authority and acting in accordance with instructions of a law enforcement

officer. Where agencies involve civilians in a controlled operation, we are of the view that it is important for the agency to take appropriate measures to provide protection for the civilian so that they are not unfairly subject to criminal and civil liability, and keep records to demonstrate this.

Section 15GO allows for an authority to be varied to authorise participants to engage in additional or alternative controlled conduct.

What we found

At the November-December 2016 inspection, we identified one authority where a civilian participant may have engaged in an activity, at the direction of a law enforcement officer, which was not identified as controlled conduct on the authority. We considered that this authority could have been varied under s 15GO to include the additional activity, prior to the law enforcement officer directing the civilian participant to engage in the activity.

The ACIC's response and what we suggested

The ACIC advised that, as this activity was unlikely to amount to an offence, it did not require inclusion on the authority. We suggested to the ACIC that, where there may be any doubt as to the legality of activities, these activities should be identified on the authority, particularly when an agency involves civilian participants.

Finding 2 – Urgent authority granted for controlled operation previously subject to formal authority

What Part IAB states

Section 15GJ(1) allows an authority to be granted orally, which is referred to as an 'urgent authority', or in writing, which is referred to as a 'formal authority'.

Section 15GJ(2) permits an authority to be granted in respect of a controlled operation that has been the subject of a previous authority, however, the subsequent authority must be a formal authority.

What we found and what we suggested

At the April 2017 inspection, we identified one urgent authority that had been granted in respect of a controlled operation that had been the subject of previous formal authorities. Although the relevant application outlined the reasons for seeking an urgent authority, we advised the ACIC that Part IAB does not allow an urgent authority to be granted if the controlled operation has been subject to a previous authority. We acknowledge that no

controlled conduct took place under this authority, nevertheless, we suggested that the ACIC remind its officers of the provisions relating to urgent authorities under s 15GJ(2).

The ACIC's response

The ACIC advised that the controlled operations, within the meaning of s 15GJ(2), were arguably not the same due to the manner in which it planned to manage the operation under the urgent authority.

Finding 3 – Activities engaged in prior to granting of authority

What Part IAB states

As noted under *Finding 1*, ss 15HA and 15HB provides protection from criminal and civil liability to authorised participants of a controlled operation. Section 15GN(1) states that an authority to conduct a controlled operation comes into force, and the controlled operation is taken to commence, at the time the authority is granted by an authorising officer.

What we found

At the April 2017 inspection, for one authority, we identified that authorised activities (controlled conduct) had been reported as occurring one day prior to the date the relevant controlled operations authority was granted. Protections from criminal and civil liability under ss 15HA and 15HB may not have applied to that conduct.

The ACIC's response

The ACIC attributed this finding to a record-keeping error and advised that no controlled conduct was engaged in prior to the granting of the authority. We advised the ACIC that we would verify its advice, which we will address in our next report to the Minister.

Comprehensiveness and adequacy of reports

Section 15HM requires each agency to report to the Ombudsman and the Minister, as soon as practicable after 30 June and 31 December, on the details of its controlled operations during the preceding six months. This section also sets out the details which the report must include.

Under s 15HN, as soon as practicable after 30 June in each year, each agency is required to submit a report to the Minister setting out the details required under ss 15HM(2), (2A), (2B) and (2C), in relation to controlled operations it authorised during the previous 12 months.

The ACIC submitted its six-monthly reports under s 15HM for the periods 1 January to 30 June 2016 and 1 July to 31 December 2016 to our Office and also submitted its 2015–16 annual report, in accordance with Part IAB.

We were satisfied that the required information was included in all reports, except in one instance in the 1 January to 30 June 2016 six-monthly report and one instance in the 2015–2016 annual report. In both instances, information was incorrectly stated in the reports.

The ACIC has since corrected these errors and we are satisfied that the ACIC has adequate processes in place to achieve compliance with the reporting requirements of Part IAB.

AUSTRALIAN FEDERAL POLICE

We conducted two inspections at the AFP during 2016–17.

The first inspection was held from 24 to 27 October 2016, during which we inspected the records relating to all 113 authorities that expired or were cancelled between 1 January and 30 June 2016.

The second inspection was held from 3 to 6 April 2017, and we inspected all 66 authorities that expired or were cancelled between 1 July and 31 December 2016.

One policy question was raised as a result of these inspections and we also identified, and the AFP disclosed, a number of issues. These are discussed below.

We would like to acknowledge the AFP's cooperation during the inspection and its ongoing frank and open engagement with our Office, in addition to its practice of pro-active disclosure and implementation of remedial action.

Issues from previous inspections

Two significant issues included in our last report were again identified during 2016–17.

One issue concerned authorities granted by the AFP that prescribed activities that could have been authorised under other legislation, which is not provided for under Part IAB. When this was identified in 2015–16, the AFP advised that in order to mitigate any reoccurrences, it would obtain internal advice, where relevant, prior to the authorisation of a controlled operation.

During this period, we identified two instances where the AFP granted authorities that authorised activities which we questioned whether they could have been authorised under other legislation. This is discussed further under the findings from 2016–17 section below.

The second issue related to participants and/or activities of controlled operations that were not authorised. This has been highlighted as an issue at every inspection since 2014, although for 2015–16, the majority of instances were disclosed by the AFP. We acknowledge the AFP's ongoing efforts to address this issue, and we note the significant reduction in instances of non-compliance since our previous report. Nevertheless, we will continue to monitor this issue and the AFP's remedial actions.

Findings from 2016–17

Finding 1 – Policy question regarding certain activities authorised under Part IAB

What Part IAB provides

Sections 15HA and 15HB provide protection from criminal and civil liability for participants of controlled operations. Under s 15HC, protection from criminal responsibility for conduct engaged in during a controlled operation and indemnification of participants against civil liability does not apply to a person’s conduct that is, or could have been, authorised under Commonwealth law or a law of a State or Territory, including laws relating to electronic surveillance devices, telecommunications interception, or any other matter concerning powers of criminal investigation.

What we found

At our October 2016 inspection, we identified two controlled operations authorities that authorised certain activities which we considered might have required authorisation under the *Telecommunications (Interception and Access) Act 1979* (TIA Act). Based on our assessment of the records made available during the inspection, we originally advised the AFP that, in both these instances, it may not have been afforded the protections against criminal responsibility under s 15HA and indemnification against civil liabilities under s 15HB.

A similar issue was identified in our previous report and the AFP had advised that it would obtain internal advice, on a case to case basis, prior to authorising a controlled operation in order to mitigate reoccurrences of this issue.

The AFP’s response and our considerations

The AFP advised that it did not consider that the controlled conduct for these activities could have been authorised under the TIA Act.

After consultations with the AFP and the Attorney-General’s Department (as the then-administrator of the TIA Act), we agree that the activities could not have been authorised under the TIA Act. Therefore, section 15HC did not apply to remove the protection against criminal and civil liability for these activities. We have raised a policy question for the consideration of the administrator of Part IAB, now the Department of Home Affairs, as to whether these activities should be covered by a warrant regime.

Finding 2 – Standard authority granted for operation meeting threshold of major controlled operation

What Part IAB states

Section 15GD(2) defines a major controlled operation to be a controlled operation that is likely to: involve the infiltration of an organised criminal group by one or more undercover law enforcement officers for a period of more than seven days, continue for more than three months, or be directed against suspected criminal activity that includes a threat to human life. Section 15GF(1)(a) requires that either the AFP Commissioner or a Deputy Commissioner grant a major controlled operation authority.

What we found and what we suggested

At the October 2016 inspection, we identified a controlled operations authority that appeared to meet the threshold for a major controlled operation. This authority had not been granted by the Commissioner or Deputy Commissioner, contrary to s 15GF(1)(a). We suggested that the AFP seek advice on the validity of this authority.

The AFP's response

The AFP acknowledged that the validity of the authority may have been affected by this error. It advised that this is a key issue highlighted in its training packages and that it would update its policy guidance to prevent further occurrences of this issue.

Finding 3 – Urgent authority granted for controlled operation previously subject to formal authority

What Part IAB states

Section 15GJ(1) allows an authority to be granted orally, which is referred to as an 'urgent authority', or in writing, which is referred to as a 'formal authority'.

Section 15GJ(2) permits an authority to be granted in respect of a controlled operation that has been the subject of a previous authority, however, the subsequent authority must be a formal authority.

What we found and what we suggested

At our October 2016 inspection, we identified one urgent authority that had been granted in relation to a controlled operation that had previously been the subject of a formal authority. We suggested that the AFP seek advice on the validity of this authority.

The AFP's response

The AFP acknowledged that an urgent authority should not have been sought and undertook remedial measures to prevent a reoccurrence. The AFP also noted the possibility that the authority might be considered invalid.

Finding 4 – Authorities not varied in accordance with Part IAB

What Part IAB states

Sections 15GO and 15GU state the requirements to vary an existing authority for a controlled operation. Under s 15GO(2) a variation may:

- extend the period of effect of an authority
- authorise additional persons to engage in specified controlled conduct under an authority
- provide that specified persons are no longer authorised to engage in controlled conduct for the purposes of a controlled operation
- authorise existing controlled operation participants to engage in additional or alternative controlled conduct.

Section 15GO(5) states that an authority must not be varied unless an authorising officer is satisfied, on reasonable grounds, that the variation will not authorise a significant alteration of the nature of the controlled operation, including an alteration that would change the nature of the criminal offences to which the controlled operation relates.¹ We consider a significant alteration to be one that would authorise operations targeted at a different criminal activity.

Section 15GO(4) states that a formal authority must not be varied in such a way that the period of effect of the authority will, after the variation is made, exceed three months, including any previous extensions. In circumstances where it extends the total period of effect of an authority beyond three months, an application must be made to an Administrative Appeals Tribunal (AAT) member under s 15GU(1). Alternatively, where it is possible to vary an authority under s 15GO(2) and in accordance with s 15GO(5), the AFP should do so (rather than issuing a new authority).

¹ Section 15GK(1)(d) states that an authority must identify the nature of the criminal activity (including the relevant suspected offences) in respect of which the controlled conduct is to be engaged.

Importance of AAT oversight

AAT review has an important role in the oversight of controlled operations, including those exceeding three months. Such operations are more complex and can involve significant numbers of participants engaging in multiple types of conduct. By way of background, the issue of circumventing AAT review was first raised in our 2009–10 annual report, where we commented on an agency’s practice of granting controlled operations in a consecutive manner. At the time, we noted that it would be inappropriate for an agency to bypass the review mechanism through consecutive controlled operations. In that context, in our 2010–11 annual report, we also made a recommendation on adhering to Part IAB provisions to extend authorities, and when this is not done, to provide records to demonstrate why AAT review was not possible. To that end, we continually monitor the manner in which agencies grant and vary authorities to ensure that AAT oversight is not circumvented.

What we found

During our April 2017 inspection, we identified a number of instances where new authorities were granted when the original authority could have been varied. We also identified one authority that was varied in a manner not provided for by Part IAB.

Multiple authorities targeting the same criminal activity

- We identified two authorities, which related to the same criminal conduct and person of interest, with a combined period of effect exceeding three months without AAT oversight.
- We identified three separate controlled operations authorities, relating to the same criminal conduct and person of interest. Although the combined period of effect of these authorities did not exceed three months, there is a risk that this practice may result in the inadvertent circumvention of AAT oversight.

Varying an authority to target different criminal activity

- We identified one authority that the AFP varied to include conduct that targeted a different criminal offence than what was stated on the original authority. We note that s 15GO does not provide for this.

What we suggested and the AFP’s response

We advised the AFP that where it was possible to vary an authority in accordance with s 15GO, it should do so, rather than granting a new authority.

We also suggested that the AFP remind its officers of the provisions relating to variations under ss 15GO and 15GU to help mitigate further instances of non-compliance regarding the granting of consecutive authorities to investigate the same criminal activity.

The AFP acknowledged this and amended guidance documents to ensure those involved in the application process are informed of the AAT oversight role, so it is not circumvented.

For the authority that should not have been varied, the AFP acknowledged the finding and amended its relevant guidance.

Finding 5 – Unauthorised participants and activities of controlled operations

What Part IAB provides

Sections 15HA and 15HB provide protection from criminal and civil liability for participants that engage in conduct during the course of a controlled operation. If a participant's conduct is not authorised, this protection may not apply and the participant may be open to criminal and civil liability for their actions.

Similarly, under s 15HA(2), a civilian participant of a controlled operation is protected from criminal liability, if certain conditions are met. These conditions include being identified on the relevant authority and acting in accordance with instructions of a law enforcement officer. When agencies involve civilians in a controlled operation, we are of the view that it is important for that agency to take appropriate measures to provide protection for the civilian so that they are not unfairly subject to criminal and civil liability, and keep records to demonstrate this.

Section 15GO allows for an authority to be varied to authorise participants to engage in additional or alternative controlled conduct.

What we found and what the AFP disclosed

At the October 2016 inspection, the AFP disclosed three instances, and we identified two further instances, where participants and/or activities of a controlled operation were not authorised, as they were not identified on the relevant authority.

Instances disclosed by the AFP

- A law enforcement officer engaged in unauthorised activities.
- Two civilian participants, at the direction of a law enforcement officer, engaged in unauthorised activities.

- A law enforcement officer directed two civilian participants, who were not identified on the controlled operations authority, to engage in (authorised) controlled conduct.

Instances identified by our Office

- A law enforcement officer engaged in unauthorised activities.
- A law enforcement officer engaged in a class of activities that were not explicitly specified on the authority.

At the April 2017 inspection, the AFP disclosed one instance where a civilian participant, at the direction of a law enforcement officer, engaged in unauthorised activities. No further instances were identified by our Office.

What we suggested and the AFP's response

When this issue was raised in our previous report, we suggested that the AFP provide additional and targeted training to relevant staff, which it has implemented. We have encouraged the AFP to continue with this training, and advised that we would continue to monitor this issue at future inspections. We acknowledge the AFP's ongoing efforts, and its disclosures, in addressing this issue and note the significant decrease in the number of instances.

Comprehensiveness and adequacy of reports

Section 15HM requires each agency to report to the Ombudsman and the Minister, as soon as practicable after 30 June and 31 December, on the details of its controlled operations during the preceding six months. This section also sets out the details which the report must include.

Under s 15HN, as soon as practicable after 30 June in each year, each agency is required to submit a report to the Minister setting out the details required under ss 15HM(2), (2A), (2B) and (2C) in relation to controlled operations it authorised during the previous 12 months.

The AFP submitted its six-monthly reports under s 15HM for the periods 1 January to 30 June 2016 and 1 July to 31 December 2016 to our Office, and its 2015–16 annual report, in accordance with Part IAB.

We were satisfied that the required information was included in all reports, except in one instance for the annual report, and three instances in the 1 January to 30 June 2016 six-monthly report, where information was incorrectly recorded.

For the 1 July to 31 December 2016 six-monthly report, the required information was omitted in nine instances.

The AFP has undertaken remedial actions to improve the quality of its reporting, which we anticipate will be reflected in the next reporting period.

Despite these instances we are of the view that the AFP has adequate processes in place to achieve compliance with the reporting requirements of Part IAB.

APPENDIX A – INSPECTION CRITERIA AND METHODOLOGY

Objective: To determine the extent of compliance with Part IAB of the *Crimes Act 1914* by the agency and its law enforcement officers (s 15HS(1)).

1. Were controlled operations conducted in accordance with Part IAB?

1.1 Did the agency obtain the proper authority to conduct the controlled operation?

1.1.1 What are the agency's procedures to ensure that authorities, extensions and variations are properly applied for and granted, and are they sufficient?	1.1.2 What are the agency's procedures for seeking variations from a nominated Tribunal member and are they sufficient?	1.1.3 What are the agency's procedures to ensure that ongoing controlled operations are subject to nominated Tribunal member's oversight and are they sufficient?	1.1.4 What are the agency's procedures for cancelling authorities and are they sufficient?
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1.2 Were activities relating to a controlled operation covered by an authority?

1.2.1 What are the agency's procedures to ensure that activities engaged in during a controlled operation are covered by any authority and are they sufficient?	1.2.2 What are the agency's procedures to ensure the safety of participants of controlled operations?	1.2.3 What are the agency's procedures for ensuring that conditions of authorities are adhered to?
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2. Was the agency transparent and were reports properly made?

2.1 Were all records kept in accordance with Part IAB?

2.1.1 What are the agency's record keeping procedures and are they sufficient?	2.1.2 Does the agency keep an accurate general register?
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2.2 Were reports properly made?

2.2.1 What are the agency's procedures for ensuring that it accurately reports to the Minister and the Commonwealth Ombudsman and are they sufficient?	2.2.2 What are the agency's procedures for meetings its notification requirements and are they sufficient?
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2.3 Was the agency cooperative and frank?