Appendix 1

Compliance with reporting requirements

Each annual report must be prepared in accordance with reporting requirements set out in the organisation's founding legislation (the LEIC Act) and the relevant regulations formed under this Act – the *Law Enforcement Integrity Commissioner Regulations 2006* (the LEIC Regulations). In addition, as a matter of policy, each annual report should comply with the reporting requirements set out in the Joint Committee of Public Accounts and Audit approved guidelines: Requirements for Annual Reports.

A comprehensive compliance index is included in the Annual Report and cross-references compliance with these requirements. Each requirement is described in brief below.

ACLEI's legislation

The annual reporting requirements for ACLEI are set out in section 201 of the LEIC Act and require that the Integrity Commissioner provides the Minister—for presentation to the Parliament—a report on the performance of the Integrity Commissioner's functions during each financial year.

The Annual Report must include the following:

(a) the prescribed particulars of:

- (i) corruption issues notified to the Integrity Commissioner under section 19 during the financial year; and
- (ii) corruption issues raised by allegations or information referred to the Integrity Commissioner under sections 18 and 23 during that year; and
- (iii) corruption issues dealt with by the Integrity Commissioner on his or her own initiative during that year; and
- (iv) corruption issues investigated by the Integrity Commissioner during that year; and
- (v) corruption issues that the Integrity Commissioner referred to a government agency for investigation during that year; and
- (vi) ACLEI corruption issues investigated during that year; and
- (vii) certificates issued under section 149 during that year;

(b) a description of investigations conducted by the Integrity Commissioner during the financial year that the Integrity Commissioner considers raise significant issues or developments in law enforcement;

(c) a description, which may include statistics, of any patterns or trends, and the nature and scope, of corruption in:

(i) law enforcement agencies; and

(ii) other Commonwealth government agencies that have law enforcement functions; that have come to the Integrity Commissioner's attention during that year in the performance of his or her functions;

(d) any recommendations for changes to:

(i) the laws of the Commonwealth; or

(ii) administrative practices of Commonwealth government agencies; that the Integrity Commissioner, as a result of performing his or her functions during that year, considers should be made;

(e) the extent to which investigations by the Integrity Commissioner have resulted in the prosecution in that year of persons for offences;

(f) the extent to which investigations by the Integrity Commissioner have resulted in confiscation proceedings in that year;

(g) details of the number and results of:

(i) applications made to the Federal Court or the Federal Magistrates Court under the Administrative Decisions (Judicial Review) Act 1977 for orders of review in respect of matters arising under this Act; and

(ii) other court proceedings involving the Integrity Commissioner; being applications and proceedings that were determined, or otherwise disposed of, during that year.[1]

Law Enforcement Integrity Commissioner Regulations 2006

Regulations 17 to 23 set out the prescribed particulars of the corruption issues outlined in section 201(2) of the LEIC Act.

Joint Committee of Public Accounts and Audit approved guidelines

Each year the Department of Prime Minister and Cabinet publish Requirements for Annual Reports.[2] These annual reporting requirements are approved by the Joint Committee of Public Accounts and Audits under sub-sections 63(2) and 70(2) of the *Public Service Act 1999*. The requirements cover a range of mandatory and suggested matters.

Financial Management and Accountability Act 1997

The *Financial Management and Accountability Act 1997* (FMA Act) sets out the framework for the proper management of public money and public property by the Executive arm of the Commonwealth. Under section 49 of the FMA Act the chief

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1 LEIC Act, section 201, pp 196–197.

2 www.dpmc.gov.au/guidelines/docs/annual_report_requirements.pdf (accessed 25 October 2010).

executive is required to prepare annual financial statements in accordance with the Finance Minister's Orders (FMOs), including the Australian Accounting Standards.

It was the Auditor's opinion that the financial statements were prepared in accordance with the FMOs and give a 'true and fair view' of ACLEI's financial position and financial performance for the 2009–10 year.[3]

Compliance with other government requirements

In addition to the above annual reporting obligations, ACLEI has fulfilled the following requirements:

- Publishing of information under Section 8 of the *Freedom of Information Act 1982*;
- Reporting on contracts with greater than $100 000 value in accordance with the Senate Order for Departmental and Agency Contracts;[4]
- Listing of file titles in accordance with the Senate Order for the Production of Indexed Lists of Departmental and Agency Files;[5] and
- Recording of legal services expenditure in accordance with the *Legal Services Directions 2005*, issued by the Attorney-General under the Judiciary Act 1903.[6]

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3 ACLEI, *Annual Report of the Integrity Commissioner 2009–10*, p. 105.

4 The Senate, *Standing Orders and Other Orders of the Senate*, September 2006, (20 June 2001 J.4358, amended 4 December 2003 J.2851), p. 122.

5 The Senate, *Standing Orders and Other Orders of the Senate*, September 2006, (30 May 1996 J.279, amended 3 December 1998 J.265), p. 121.

6 www.comlaw.gov.au