Chapter 1
Introduction

Background to the Australian Commission for Law Enforcement Integrity

1.1 The Australian Commission for Law Enforcement Integrity (ACLEI) was established by the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act). The LEIC Act commenced operation on 30 December 2006.

1.2 The Act established a new Office of Integrity Commissioner, supported by a statutory agency, ACLEI.

1.3 The main purpose of ACLEI is to 'enhance the integrity of Commonwealth law enforcement agencies by providing independent and effective external investigation of possible instances of corruption' in those agencies.[1]

1.4 ACLEI's role is to detect, investigate and prevent corruption in law enforcement agencies. The Australian Government agencies that currently fall within its jurisdiction are the Australian Crime Commission (ACC), the Australian Customs and Border Protection Service (Customs and Border Protection) and the Australian Federal Police (AFP). ACLEI also has jurisdiction over the former National Crime Authority (NCA), which was the forerunner to the ACC. Other agencies with law enforcement function are able to be brought within ACLEI's jurisdiction by regulation.[2]

1.5 As a result of this committee's recommendation in relation to its inquiry into the operation of the *Law Enforcement Integrity Commissioner Act 2006*, Customs and Border Protection was added to the jurisdiction of the Integrity Commissioner from 1 January 2011, first by regulation, and more recently, through legislative amendment.[3]

Requirement for the examination of the annual reports

1.6 The *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act), under subsection 215(1)(c) requires the committee to examine:

> (i) each annual report prepared by the Integrity Commissioner under section 201; and
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> (ii) any special report prepared by the Integrity Commissioner under section 204;

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1 Law Enforcement Integrity Commissioner Bill 2006, 'Explanatory Memorandum', p. 1.

2 ACLEI, *Annual Report of the Integrity Commissioner 2010–2011*, p. 7.

3 The Crimes Legislation Amendment Bill (No. 2) 2011 received Royal Assent on 5 December 2011.

and report to the Parliament on any matter appearing in, or arising out of, any such annual report or special report.[4]

1.7 Section 201 of the LEIC Act sets out the requirements for ACLEI annual reports, including investigations conducted, trends in corruption, recommendations for changes to laws or administrative practices, and details on corruption issues that were notified, raised, dealt with, investigated, referred, prosecuted, or resulted in confiscation or other proceedings. The committee is satisfied that the report is in accordance with LEIC Act requirements and a range of other requirements, as set out in the compliance index of the annual report. These requirements are set out in Appendix 1.

1.8 Special reports under section 204 of the LEIC Act may relate to operations of the Integrity Commissioner, or any matter in connection with the performance of the Integrity Commissioner's powers or functions under the LEIC Act. On 27 January 2012, ACLEI advised that the Integrity Commissioner had not prepared any special reports under section 204 during 2010–11.

1.9 The committee suggests that future annual reports should clearly state whether any special reports have been provided to the Minister and make an appropriate reference in the compliance index.

Tabling of the 2010–11 Annual Report

1.10 ACLEI's 2010–11 Annual Report (the Report) was presented to the Minister on 29 September 2011. The Report was tabled in the House of Representatives on 13 October 2011, and in the Senate on 1 November 2012, in accordance with section 201(1) of the LEIC Act.

Conduct of the inquiry

1.11 The committee held a public hearing to examine the Report in Parliament House on 25 November 2011. The committee heard from a number of officers of ACLEI (listed in Appendix 5), including the Integrity Commissioner, Mr Philip Moss. ACLEI also provided answers to questions on notice listed in Appendix 6.

Acknowledgements

1.12 The committee would like to thank ACLEI management and staff for their cooperation and engagement during the inquiry.

4 *Law Enforcement Integrity Commissioner Act 2006*, para. 215(1)(c).