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Australian Government

9 June 2015

Australian Commission for
Law Enforcement Integrity

Mr Russell Matheson MP
Chair, Parliamentary Joint Committee on the
Australian Commission for Law Enforcement Integrity
Parliament House
CANBERRA ACT 2600

Dear Mr Matheson

Examination of the 2013–14 Annual Report of the Integrity Commissioner

I write to thank the Committee for its recent report, tabled on 1 June 2015, relating to the Committee's consideration of ACLEI's annual report. ACLEI welcomes and values the scrutiny of the Parliament, through the Examination process, which informs its approach to business improvement and strategy development.

It is the practice of the Integrity Commissioner to indicate how ACLEI intends to integrate the feedback made by the Committee, noting that it remains the prerogative of Government to respond to any formal recommendations made.

This year, the Committee has made several suggestions or observations about which I would like to provide further information, as follows:

Para	Issue	Quote or summary	ACLEI comment
2.22	Key Performance Indicators (KPIs)	The committee notes ACLEI's annual report contains seven Key Performance Indicators linked to programme objectives and deliverables.	ACLEI recently reviewed structure of its Portfolio Budget Statement entry, including its KPIs, to better integrate with PGPA Act responsibilities and guidance. In particular, we anticipate the new structure will assist ACLEI to prepare a PGPA compliant annual Performance Statement. The KPIs for 2015–16 are included in <u>Attachment One</u> to this letter.
2.33	Effect of the Public Interest Disclosure Act 2013 (PID Act) on the LEIC Act	<i>In relation to the PID Act issue outlined in paragraph 2.31, the committee notes that section 82A of the PID Act requires the Minister to initiate a review into the operation of the Act. The review must commence before 15 January 2016 and be completed within 6 months. The committee is confident that the potential overlap between the LEIC and PID Acts will be examined through that process. The PID review will be presented to both Houses of Parliament.</i>	ACLEI will raise any PID Act implementation issues with the Attorney-General's Department, noting that the review will be administered by the Department of the Prime Minister and Cabinet.

Para	Issue	Quote or summary	ACLEI comment
2.39	Assessment of notifications and referrals	<p><i>2.37 The committee notes ACLEI's internal benchmark that provides a mechanism to evaluate whether KPI two was met effectively. The committee notes that ACLEI's performance against this measure has slipped by comparison to the 2012-13 reporting period...</i></p> <p><i>2.39 The committee will continue to monitor this KPI in future reports to ensure ACLEI's assessments are made in a timely manner.</i></p>	<p>Since the 2013–14 reporting year concluded, ACLEI has appointed a specialist Workflow and Assessments Officer to enable consistent management of these tasks. This measure, made possible by additional resourcing, has improved ACLEI's timeliness significantly. Having regard to the further extension of ACLEI's jurisdiction in July 2015 (to include DIBP), ACLEI is presently recruiting a second officer to support this work.</p>
2.47	Ongoing internal investigations	<p><i>2.47 The committee accepts the importance of ACLEI's ability to refer corruption investigations to law enforcement agencies. However the committee expresses concern about the high numbers of ongoing internal investigations, particularly those dating back to July 2012. In future annual reports a clearer explanation of the internal investigations completed and underway, and the reasons for significant delays would be appreciated. It may be appropriate for the committee to receive that information in camera.</i></p>	<p>The role of the Workflow and Assessments Officers (noted above) includes tracking the progress of corruption issues that ACLEI has referred to other agencies for investigation. ACLEI will ensure that future annual reports deal with this issue in a clearer manner.</p>
3.24	Report Peter Hamburger	<p><i>3.24 The committee also heard that the Attorney-General's Departmental review of ACLEI's expanded jurisdiction was due to report imminently on the expanded jurisdiction of ACLEI...</i></p> <p><i>3.25 While the report has been provided to the Minister, ACLEI were unable to comment on its contents. These issues are particularly close to the committee's current inquiry into ACLEI's expanded jurisdiction, and the committee will defer commentary on issues relating to ACLEI's expanded jurisdiction until it presents its report later in 2015.</i></p>	<p>ACLEI draws the Committee's attention to funding measures in the 2015–16 Federal Budget, which include \$0.730m per year added to ACLEI's resourcing from 2015–16 under the <i>Safeguarding Law Enforcement Integrity—continuation measure</i>. This measure continues for another four years the additional resources that were first made available to ACLEI in 2013–14 to extend the Integrity Commissioner's jurisdiction to AUSTAC, the CrimTrac Agency and prescribed aspects of the Department of Agriculture.</p> <p>This measure will next be reviewed in the context of the 2019–20 Federal Budget.</p>

Para	Issue	Quote or summary	ACLEI comment
3.33	Corruption issues carried forward	<i>3.33 The committee notes with concern that there are 26 more corruption issues carried over during the reporting period than the year before. The committee will seek an explanation from ACLEI for the number of ongoing investigations being carried forward over multiple years.</i>	<p>The 26 additional corruption issues comprised:</p> <ul style="list-style-type: none"> • a higher stock of ACLEI investigations carried forward (11 higher than the previous year) • a higher external workload of investigations being undertaken by other agencies (14 higher), and • a correction to the 2012–13 statistics (one instance). <p>The cause of this increase relates to several factors.</p> <p>First, ACLEI is receiving higher quality information that has led to an increase in matters under investigation.</p> <p>Second, due to case prioritisation (in which one investigation may be allocated more resources than another), as well as the inherent length of some investigations (which can be protracted in nature), a higher stock of cases will be normal.</p> <p>Third, a small amount of volume is due to administrative lag. The appointment of Workflow Managers is designed to improve timeliness, including by discontinuing those investigations that are no longer warranted (for instance, the issue lacks evidentiary merit, or would be better dealt with in another way outside of the LEIC Act framework).</p> <p>ACLEI notes the Committee's concerns and will improve reporting in this regard.</p>

If the Committee thought it appropriate and desirable to publish the information provided, I would offer no objection.

Yours sincerely

Michael Griffin AM
Integrity Commissioner

ACLEI Key Performance Indicators—Transition Map

2014–15		2015–16
KPI ONE: The corruption notification and referral system is effective.	→	KPI ONE: The corruption notification and referral system is effective.
<ul style="list-style-type: none"> • Law enforcement agencies notify ACLEI of corruption issues in a timely way. 	→	<ul style="list-style-type: none"> • Law enforcement agencies notify ACLEI of corruption issues and related information in a timely way.
<ul style="list-style-type: none"> • Other agencies provide information about corruption issues to ACLEI 	→	<ul style="list-style-type: none"> • Other agencies or individuals provide information about corruption issues, risks and vulnerabilities to ACLEI
<ul style="list-style-type: none"> • ACLEI is seen as viable for reporting information about corruption. 	→	<ul style="list-style-type: none"> • Partner agencies indicate confidence in sharing information or intelligence with ACLEI
KPI TWO: ACLEI assesses all notifications and referrals of corruption issues in a timely way.	→	<ul style="list-style-type: none"> • ACLEI prioritises credible information about serious or systemic corruption.
<ul style="list-style-type: none"> • Upon receipt, ACLEI assesses information about corruption to determine how each issue should be dealt with. 	→	<ul style="list-style-type: none"> • ACLEI supports awareness-raising activities in agencies within the Integrity Commissioner's jurisdiction, including by participating in joint initiatives.
<ul style="list-style-type: none"> • Credible information about corruption is prioritised. 	→	
<ul style="list-style-type: none"> • Risks relating to the operating context of law enforcement agencies are taken into account and, in appropriate circumstances, mitigation strategies are agreed with the agency concerned. 	→	
<ul style="list-style-type: none"> • Decisions are communicated to affected agencies in a timely way. 	→	
KPI THREE: ACLEI's investigations are conducted professionally and efficiently, and add value to the integrity system.	→	KPI TWO: ACLEI's investigations are conducted professionally and efficiently, and add value to the law enforcement integrity system.
<ul style="list-style-type: none"> • Investigations adhere to standards set by the Integrity Commissioner. 	→	<ul style="list-style-type: none"> • Each investigation considers corruption risk and the broader impact on law enforcement outcomes.
<ul style="list-style-type: none"> • ACLEI investigations are properly managed. 	→	<ul style="list-style-type: none"> • Operational resources are actively managed and targeted for maximum effect.
<ul style="list-style-type: none"> • Investigation reports provided to the minister are of high quality 	→	<ul style="list-style-type: none"> • Risks relating to the operating context of law enforcement agencies are taken into account and, in appropriate circumstances, mitigation strategies are agreed with the agency concerned.
<ul style="list-style-type: none"> • Advice is provided to the minister in a timely way. 	→	
KPI FOUR: ACLEI monitors corruption investigations conducted by law enforcement agencies.	→	KPI THREE: ACLEI monitors corruption investigations conducted by law enforcement agencies.
<ul style="list-style-type: none"> • All agency corruption investigation reports provided to ACLEI for review are assessed for intelligence value and completeness. 	→	<ul style="list-style-type: none"> • All agency corruption investigation reports provided to ACLEI for review are assessed for intelligence value and completeness.
<ul style="list-style-type: none"> • ACLEI liaises regularly with the agencies' professional standards units. 	→	<ul style="list-style-type: none"> • ACLEI liaises regularly with the agencies' professional standards units about the progress of agency investigations
KPI FIVE: ACLEI contributes to policy development and law reform in accountability and corruption prevention relating to law enforcement.	→	KPI FOUR: ACLEI insights contribute to accountability and anti-corruption policy development.
<ul style="list-style-type: none"> • Each investigation addresses corruption risk and, when warranted, makes recommendations for improvement in corruption prevention or detection measures. 	→	<ul style="list-style-type: none"> • When warranted, the Integrity Commissioner makes recommendations for improvement in corruption prevention or detection measures.
<ul style="list-style-type: none"> • Submissions that relate to corruption prevention or enhancing integrity may be made to government or in other relevant forums. 	→	<ul style="list-style-type: none"> • Submissions that relate to corruption prevention or enhancing integrity arrangements are made to government or in other relevant forums.
KPI SIX: Staff members of law enforcement agencies are made aware of ACLEI's role.	→	<ul style="list-style-type: none"> • Targeted presentations about integrity are made to diverse audiences.
<ul style="list-style-type: none"> • Marketing and other awareness-raising activities are in place, including joint initiatives with other agencies. 	→	<ul style="list-style-type: none"> • The Integrity Commissioner's annual report or other publications contain analysis of patterns and trends in law enforcement corruption.
<ul style="list-style-type: none"> • Targeted presentations about integrity are made to diverse audiences. 	→	
KPI SEVEN: ACLEI handles personal information appropriately.	→	KPI FIVE: ACLEI's governance and risk management controls are effective and take account of its operational role.
<ul style="list-style-type: none"> • Regular audits are undertaken to ensure compliance with legal obligations and better practice policy for information-handling. 	→	<ul style="list-style-type: none"> • Systems are in place to ensure ACLEI officers act ethically, comply with legislative requirements and adhere to standards set by the Integrity Commissioner.
	→	<ul style="list-style-type: none"> • Regular reviews and audits indicate effective governance, risk management and integrity.