

CRIME AND MISCONDUCT COMMISSION

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18 October 2012

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

**RE: SENATE INQUIRY INTO THE LAW ENFORCEMENT
INTEGRITY LEGISLATION AMENDMENT BILL 2012**

Thank you for your letter of 21 September 2012. The Crime and Misconduct Commission (CMC) welcomes the opportunity to provide input into the proposed amendments included in the *Law Enforcement Integrity Legislation Amendment Bill 2012*.

The range of measures proposed by the Bill provides a balance between giving Commonwealth law enforcement agencies more power to target and prevent corruption occurring within the Commonwealth public sector and protecting the rights of individuals.

It has been the experience of the CMC that as part of conducting integrity tests telecommunications data is often obtained under section 178 of the *Telecommunications (Interception and Access) Act 1979* (TIA Act) which is relevant in conducting disciplinary proceedings. The CMC has received legal advice from senior counsel that section 182 does not specifically allow the use or disclosure of telecommunications data for the purpose of conducting disciplinary proceedings against current or former public service employees including former Queensland Police Service officers.

The CMC would welcome further amendments to the TIA Act to allow the use of telecommunications data under section 182 in disciplinary proceedings against former Queensland public service employees including police officers.

The proposed amendments of the *Law Enforcement Integrity Legislation Amendment Bill 2012*, as it applies to the stated Commonwealth agencies and Customs, will have no adverse impact on misconduct investigations or controlled operational activities conducted by the CMC pursuant to the provisions of the *Crime and Misconduct Act 2001*.

Thank you for the opportunity to provide a submission in respect to the Inquiry into the *Law Enforcement Integrity Legislation Amendment Bill 2012*. I trust this submission assists the Inquiry in its consideration of the proposed amendments.

Yours sincerely,

ROSS MARTIN SC
Chairperson