



# Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity

---

Examination of the Annual Report  
of the Integrity Commissioner  
2014-15

March 2016

© Commonwealth of Australia

ISBN 978-1-76010-380-4

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website:  
<http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.

This document was printed by the Senate Printing Unit, Parliament House, Canberra

# The Committee

## *Members*

Mr Russell Matheson MP	LP, NSW	(Chair)
Senator Catryna Bilyk	ALP, TAS	(Deputy Chair)
Senator Sean Edwards	LP, SA	
The Hon Justine Elliot MP	ALP, NSW	
Mr Stephen Irons MP	LP, WA	
Senator Barry O'Sullivan	NATS, QLD	(from 4.2.16)
Senator Glenn Sterle	ALP, WA	
Mr Jason Wood MP	LP, VIC	
Mr Tony Zappia MP	ALP, SA	

## *Former members*

Senator the Hon David Johnston LP, WA (from 10.9.15 to 4.2.16)

## *Secretariat*

Mr Stephen Palethorpe, Secretary  
Miss Jedidiah Reardon, Principal Research Officer  
Mr Josh See, Senior Research Officer  
Mr Michael Kirby, Senior Research Officer  
Ms Rosalind McMahon, Administrative Officer

PO Box 6100  
Parliament House  
CANBERRA  
Telephone: (02) 6277 3419  
Facsimile: (02) 6277 5809  
Email: [aclei.committee@aph.gov.au](mailto:aclei.committee@aph.gov.au)  
Internet: [www.aph.gov.au/aclei\\_ctte](http://www.aph.gov.au/aclei_ctte)



# TABLE OF CONTENTS

<b>The Committee .....</b>	<b>iii</b>
<b>Acronyms and abbreviations list .....</b>	<b>vii</b>
<b>Chapter 1.....</b>	<b>1</b>
<b>Introduction .....</b>	<b>1</b>
Requirements for annual reports .....	1
Requirements for the examination of annual reports .....	2
Requirements for special reports .....	2
Conduct of the inquiry .....	3
Acknowledgements .....	3
<b>Chapter 2.....</b>	<b>5</b>
<b>Strategy and performance .....</b>	<b>5</b>
2014-15 in review .....	5
ACLEI's jurisdiction .....	5
Partnerships .....	5
Legislative reform .....	6
Business improvement.....	6
Integrity Commissioner .....	7
ACLEI's future.....	7
Resourcing .....	8
Key performance indicators .....	9
KPI one—the corruption notification and referral system is effective .....	9
Notifications .....	10
Referrals .....	10
Committee view.....	11
KPI two—ACLEI assesses all notifications and referrals of corruption issues in a timely way .....	11
Committee view.....	11

KPI three—ACLEI's investigations are conducted professionally and efficiently, and add value to the integrity system .....	12
Committee view.....	13
KPI four—ACLEI monitors corruption investigations conducted by law enforcement agencies .....	13
Committee view.....	13
KPI five—ACLEI contributes to policy development and law reform in accountability and corruption prevention relating to law enforcement.....	14
Committee view.....	14
KPI six—Staff members of law enforcement agencies are made aware of ACLEI's role .....	14
Committee view.....	15
KPI seven—ACLEI handles personal information appropriately.....	15
Committee view.....	16
<b>Chapter 3.....</b>	<b>17</b>
<b>Issues .....</b>	<b>17</b>
Changes to LEIC Act agencies.....	17
Corruption-enabled border crime .....	18
Corruption risk trends.....	18
Dispersed workforces .....	19
Information and Communications Technology roles.....	19
Managing change.....	20
Protecting key commodities .....	20
Coercive information-gathering powers.....	20
Intrusive information gathering powers .....	21
Ombudsman report on controlled operations .....	21
Corruption issues carried forward .....	22
Committee comment .....	22
Conclusion .....	23
<b>Appendix 1 .....</b>	<b>25</b>
<b>Witnesses who appeared before the committee .....</b>	<b>25</b>

## Acronyms and abbreviations list

ABF	Australian Border Force
ACC	Australian Crime Commission
ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
ACBPS	Australian Customs and Border Protection Service
ANAO	Australian National Audit Office
annual report	Annual Report of the Integrity Commissioner 2014-15
AUSTRAC	Australian Transaction and Reporting Analysis Centre
CEO	Chief Executive Officer
DIBP	Department of Immigration and Border Protection
ICT	Information and Communications Technology
JTF	Joint Task Force
KPIs	Key Performance Indicators
LEIC Act	<i>Law Enforcement Integrity Commissioner Act 2006</i>
LEIC Regulations	Law Enforcement Integrity Commissioner Regulations 2006
PBS	Portfolio Budget Statements
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PJC-ACLEI	Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity
the Minister	Minister for Justice
the committee	Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity





# Chapter 1

## Introduction

1.1 The Australian Commission for Law Enforcement Integrity (ACLEI) was established by the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act) and commenced operation on 30 December 2006. The LEIC Act established the Office of the Integrity Commissioner, supported by a statutory authority, ACLEI.

1.2 Section 3 of the LEIC Act sets out the objectives of ACLEI to:

- facilitate the detection of corrupt conduct in law enforcement agencies;
- facilitate the investigation of corruption issues that relate to law enforcement agencies;
- enable criminal offences to be prosecuted, and civil penalty proceedings to be brought, following those investigations;
- prevent corrupt conduct in law enforcement agencies; and
- maintain and improve the integrity of staff members of law enforcement agencies.<sup>1</sup>

1.3 The 2014-15 Annual Report of the Integrity Commissioner (annual report) was presented to the Minister for Justice, the Hon Michael Keenan MP, on 14 October 2015 and was tabled in both the House of Representatives and the Senate on 9 November 2015.<sup>2</sup>

### Requirements for annual reports

1.4 Section 201 of the LEIC Act requires ACLEI's annual report to provide details of:

- corruption issues notified to the Integrity Commissioner dealt with by the Integrity Commissioner or referred to a government agency for investigation. Reports must include corruption issues investigated over the year and certificates issued under section 149 during the year;<sup>3</sup>
- investigations conducted that 'raise significant issues or developments in law enforcement' and the extent to which ACLEI investigations have resulted in prosecutions or confiscation proceedings;

---

1 *Law Enforcement Integrity Commissioner Act 2006*, s. 3.

2 *House Votes and Proceedings*, 9 November 2015, p. 1692; *Journals of the Senate*, 9 November 2015, p. 3285.

3 Certificates issued under section 149 relate to the Attorney-General's ability under the LEIC Act to certify that disclosure of information or document contents would be contrary to the public interest on one or more grounds. These include, but are not limited to: prejudicing the security, defence or international relations of the Commonwealth; or the disclosure of ministerial communications or relations between the Commonwealth and states and territories.

- trends and patterns including the nature and scope of corruption in law enforcement and other Commonwealth agencies that have law enforcement functions; and
- recommendations for changes to Commonwealth laws or administrative practices of Commonwealth government agencies.

1.5 The 2014-15 annual report includes an index that provides a guide to the report's compliance with the requirements set out in the LEIC Act and associated regulations.<sup>4</sup> The committee is satisfied that ACLEI has fulfilled its annual report obligations under the LEIC Act and other requirements as set out in the compliance index of the annual report.<sup>5</sup>

### **Requirements for the examination of annual reports**

1.6 Paragraph 215(1)(c) of the LEIC Act requires the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (the committee) to examine:

- each annual report prepared by the Integrity Commissioner;
- any special report prepared by the Integrity Commissioner; and
- report to the Parliament on any matter appearing in, or arising out of, any such annual report or special report.

### **Requirements for special reports**

1.7 Under section 204 of the LEIC Act, the Integrity Commissioner may prepare special reports that relate to the 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.

1.8 In its report on ACLEI's 2010-11 annual report, the committee suggested that future ACLEI annual reports 'clearly state whether any special reports have been provided to the Minister and make an appropriate reference in the compliance index'.<sup>6</sup> ACLEI has adopted this suggestion.

1.9 The 2014-15 annual report states that the Integrity Commissioner prepared no special reports during the review period.<sup>7</sup>

---

4 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, pp 190–193.

5 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, pp 190–193.

6 PJC-ACLEI, *Examination of the Annual Report of the Integrity Commissioner 2010-11*, p. 2.

7 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 84.

**Conduct of the inquiry**

1.10 The committee held a public hearing to examine the annual report on 4 February 2016. During the hearing, the committee heard evidence from the Integrity Commissioner, Mr Michael Griffin AM and other ACLEI officers. The list of witnesses is provided in Appendix 1.

**Acknowledgements**

1.11 The committee congratulates ACLEI officers for their consistently high quality annual reports and for their ongoing co-operation and engagement with the committee's inquiries.



## Chapter 2

### Strategy and performance

2.1 ACLEI 'supports the Integrity Commissioner to provide independent assurance to government about the integrity of prescribed law enforcement agencies and their staff members, by detecting, investigating and preventing corrupt conduct'.<sup>1</sup>

#### 2014-15 in review

##### *ACLEI's jurisdiction*

2.2 In 2014, Commonwealth law enforcement agencies within ACLEI's jurisdiction included the Australian Crime Commission (ACC), the Australian Customs and Border Protection Service (ACBPS), the Australian Federal Police (AFP), Australian Transaction and Reporting Analysis Centre (AUSTRAC), CrimTrac and prescribed parts of the Department of Agriculture.<sup>2</sup>

2.3 On 1 July 2015, ACLEI's jurisdiction expanded to capture the Department of Immigration and Border Protection (DIBP), including the newly formed Australian Border Force (ABF).<sup>3</sup> To prepare for the expanded jurisdiction, ACLEI was allocated an additional \$1 million.<sup>4</sup> These additional funds were used to establish a Joint Task Force (JTF) between ACLEI and the AFP to be accommodated at AFP offices in Sydney.<sup>5</sup> The ACLEI/AFP JTF represented a significant investment for ACLEI. Locating the JTF in Sydney allowed investigators to be close to border operations and respond as operational need required.<sup>6</sup>

##### *Partnerships*

2.4 ACLEI continued to form cooperative working partnerships with other agencies. Aside from the JTF with the AFP, this included working with the ACC to use the National Criminal Intelligence Fusion Capability to inform anti-corruption investigations and providing strategic advice to AUSTRAC, the Department of Agriculture and DIBP.<sup>7</sup>

---

1 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 11.

2 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 11.

3 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 7; *Customs and Other Legislation Amendment (Australian Border Force) Act 2015*, ss 2(1), 84–90.

4 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 43.

5 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 24.

6 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 58.

7 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 48.

2.5 In May 2015, senior ACLEI and ACC officers led a delegation to North America to receive briefings and learn from their experiences dealing with corruption enabled border crime. The annual report notes 'although many of the prevailing factors differ, it is apparent that Australia can expect continued...corruption pressure from illicit import and money-laundering enterprises'.<sup>8</sup>

### ***Legislative reform***

2.6 During the reporting period there were two legislative changes to the investigation tools the Integrity Commissioner can deploy. The first was the *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015* that required service providers to retain metadata for two years. The data can be accessed by ACLEI and other specified law enforcement agencies subject to certain accountability measures.<sup>9</sup>

2.7 The second legislative change was the enactment of the *Law Enforcement Legislation Amendment (Powers) Act 2015* which sought to clarify the permissible uses of information obtained through coercive means.<sup>10</sup>

### ***Business improvement***

2.8 To address delays in assessing corruption issues, ACLEI appointed a workflow manager.<sup>11</sup> As the annual report states:

The immediate impact of this appointment is evident in assessment statistics—96% of corruption issues received in 2014-15 were assessed within 90 days, compared with 71% in the previous year. Even more pleasing, the bulk of those assessments were made within a matter of days of ACLEI receiving them.<sup>12</sup>

2.9 ACLEI also implemented new guidelines to clarify the options open to ACLEI decision-makers in assessing corruption issues. The guidelines advised decision-makers that mechanisms outside of the ACLEI Act context could be used where appropriate.<sup>13</sup>

2.10 Legislation was also introduced to allow an agency head and the Integrity Commissioner to agree on a definition of 'serious corruption'. The rationale for this change was to give agency heads 'greater guidance about what matters are likely to require intervention by the Integrity Commissioner, having regard to the risk factors that are specific to each agency'.<sup>14</sup>

---

8 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 6.

9 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 185.

10 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 185.

11 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 8.

12 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 8.

13 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 9.

14 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 9.

---

### *Integrity Commissioner*

2.11 Following the conclusion of Mr Philip Moss' statutory term as Integrity Commissioner on 22 July 2014, ACLEI experienced a period of leadership transition.<sup>15</sup> Mr Robert Cornall AO served as the Acting Integrity Commissioner from 23 July 2014 until Mr Michael Griffin AM commenced his term as Integrity Commissioner on 19 January 2015.

2.12 Delivering his first review as Integrity Commissioner, Mr Griffin noted:

Upon taking up my appointment as Integrity Commissioner...it was apparent to me that the Australian Commission on Law Enforcement Integrity has at its heart the desire to protect the rule of law, by safeguarding the integrity of law enforcement agencies.<sup>16</sup>

### *ACLEI's future*

2.13 The annual report sets out a number of priorities for the 2015-16 reporting period. At the close of 2014-15, ACLEI had 48 operations on foot in relation to 70 corruption issues.<sup>17</sup> A high workload is likely to continue to challenge ACLEI and characterise its operations in 2015-16. At the committee's public hearing, the Integrity Commissioner provided an insight into ACLEI's increasing workload for 2015-16:

The annual report records that ACLEI received 100 corruption issues, from all sources, in 2014-15. By way of contrast, ACLEI received 134 corruption issues in the first six months of the 2015-16 year. It is still too early to know whether these increases are temporary or a new reality. ACLEI will continue to assess and analyse these trends, and to engage with relevant LEIC Act agencies to better understand the data.<sup>18</sup>

2.14 In 2015-16 ACLEI will 'expand permanently into both Sydney and Canberra' representing a significant undertaking.<sup>19</sup>

2.15 The integration of DIBP into ACLEI's jurisdiction and the associated system changes are likely to place pressure on ACLEI 'until those changes are normalised and become integrated into agency business practice'.<sup>20</sup>

2.16 The Integrity Commissioner has also prepared a four year plan for 2015-16 to 2018-19 to ensure that ACLEI meets its strategic objectives.<sup>21</sup>

---

15 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 24.

16 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 5.

17 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 9.

18 Mr Michael Griffin, Integrity Commissioner, ACLEI, *Committee Hansard*, 4 February 2016, p. 2.

19 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 9.

20 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 9.

21 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 9.

## Resourcing

2.17 In 2014-15 ACLEI's budget was \$10.154 million (an increase from \$7.615 million in 2013-14).<sup>22</sup> The annual report notes that \$1.7 million of the 2014-15 budget originated in funding that was due to expire at the end of the reporting year. Of that amount, \$1 million was transitional funding and \$0.7 million related to the extension of ACLEI's jurisdiction in 2012-13 to include AUSTRAC, CrimTrac and parts of the Department of Agriculture.<sup>23</sup>

2.18 ACLEI noted its operating surplus in 2014-15 of \$1.424 million was primarily due to the 'difficulty experienced in filling temporary vacancies' and 'supplier expenses that were lower than anticipated'.<sup>24</sup>

2.19 The Integrity Commissioner explained that the difficulties filling temporary vacancies were caused, in part, by the challenges in finding candidates with the necessary security clearance.<sup>25</sup>

2.20 In the past, to cover some of those temporary vacancies, ACLEI has engaged secondees from partner agencies.<sup>26</sup>

2.21 With additional funding, ACLEI has reduced its reliance on the secondment program and increased its permanent staff base:

...[at June 2015 ACLEI] had 29 active staff members on our active roster, and funding for 38 full-time equivalents (FTE) spread across Canberra and Sydney offices. As we meet today, ACLEI has 42 staff members active, as well as a number of casual staff, with total funding for 52 full-time equivalents.<sup>27</sup>

2.22 The Australian National Audit Office audited ACLEI's accounts for the 2014-15 financial year.<sup>28</sup> In the auditor's opinion, ACLEI's financial statements:

- a) Comply with Australian Accounting Standards and the *Public Governance, Performance and Accountability (Financial Reporting) Rules 2015*; and
- b) Present fairly the financial position of the Australian Commission for Law Enforcement Integrity as at 30 June 2015...<sup>29</sup>

---

22 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 44.

23 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 43.

24 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 43.

25 Mr Michael Griffin, Integrity Commissioner, ACLEI, *Committee Hansard*, 4 February 2016, p. 2.

26 Mr Michael Griffin, Integrity Commissioner, ACLEI, *Committee Hansard*, 4 February 2016, p. 3.

27 Mr Michael Griffin, Integrity Commissioner, ACLEI, *Committee Hansard*, 4 February 2016, p. 2.

28 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, pp 124–125.



2.23 The committee notes that this is the first annual report prepared in accordance with the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). At the time of the committee's examination, the Department of Finance is yet to issue rules about annual reports under section 46 of the PGPA Act. However, the *Law Enforcement Integrity Commissioner Regulations 2006* (LEIC regulations) provide for certain particulars to be included in the annual report.

### **Key performance indicators**

2.24 ACLEI is required by the Portfolio Budget Statements (PBS) to perform against a set of 'deliverables'. These deliverables are:

Corruption issues are promptly brought to the attention of the Integrity Commissioner for independent assessment and decision on how each issue should be dealt with (either by ACLEI, the agency to which the issue relates, or another agency);

When appropriate, ACLEI independently investigates corruption issues, giving priority to conduct that constitutes serious corruption or systemic corruption;

When appropriate, the Integrity Commissioner uses statutory intrusive and coercive information-gathering powers to assist in investigations;

ACLEI analyses and reports on patterns and trends in law enforcement corruption;

ACLEI recommends changes to laws and to agency practices and procedures to improve integrity in law enforcement, and to detect and prevent corruption more effectively;

ACLEI enhances corruption prevention initiatives, such as the assessment of corruption risk and raising awareness about corruption deterrence, thereby helping to build corruption-resistant work cultures; and

Staff members of law enforcement agencies are made aware that information about corruption can be referred with confidence to the Integrity Commissioner.<sup>30</sup>

2.25 ACLEI's seven Key Performance Indicators (KPIs) are linked to program objectives and deliverables.

### **KPI one—the corruption notification and referral system is effective**

2.26 ACLEI's first KPI supports the premise that if effective anti-corruption arrangements concerning law enforcement agencies are in place, public confidence in those agencies can be maintained. Further, 'an active detection culture contributes to corruption deterrence and the reinforcement of an agency's professional standards.'<sup>31</sup>

---

29 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 125.

30 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 23.

31 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 28.

2.27 There are two different methods by which ACLEI may receive information that assists it to detect corruption: notifications and referrals. The LEIC Act requires the AFP Commissioner, the Secretary of the Department of Immigration and Border Protection, the Australian Border Force Commissioner and the CEOs of the ACC, AUSTRAC, and CrimTrac to notify the Integrity Commissioner of corruption issues related to their respective agencies.<sup>32</sup> The Secretary of the Department of Agriculture is required to notify the Integrity Commissioner of corruption issues related to prescribed (cargo management) functions, as set out in the LEIC regulations.<sup>33</sup>

2.28 The second way in which ACLEI may receive information that assists it in detecting corruption is through the referral mechanisms found in the LEIC Act. Under those mechanisms the Minister, or a person other than the Minister, may refer a corruption issue to the Integrity Commissioner.<sup>34</sup>

### ***Notifications***

2.29 ACLEI's annual report notes that the effectiveness of the integrity system is demonstrated through 70 notifications in 2014-15.<sup>35</sup> This is similar to the 69 notifications received in 2013-14.<sup>36</sup>

### ***Referrals***

2.30 The Integrity Commissioner was referred a total of 29 issues in 2014-15 (5 from individuals and another 24 from other government agencies), compared to 23 referrals in 2013-14.<sup>37</sup>

2.31 The annual report states that 'diversity in the sources of information can also be an indicator of effectiveness'.<sup>38</sup> To maximise the likelihood of receiving actionable information ACLEI convened a workshop of agencies that fall within the Integrity Commissioner's jurisdiction to discuss the indicators of corruption and corruption vulnerabilities at the border.<sup>39</sup>

2.32 ACLEI also noted that some resources had to be dedicated to dealing with out-of-jurisdiction enquiries. In 2014-15, 163 individuals or groups contacted ACLEI with enquiries that did not fall within the Integrity Commissioner's jurisdiction.<sup>40</sup> As ACLEI noted, some of these individual's requests were quite resource intensive. Three

---

32 *Law Enforcement Integrity Commissioner Act 2006*, s. 19.

33 *Law Enforcement Integrity Commissioner Regulations 2006*, s. 8.

34 *Law Enforcement Integrity Commissioner Act 2006*, ss. 18 and 23.

35 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, pp 29 and 64.

36 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 29.

37 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, pp 28 and 65.

38 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 28.

39 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 28.

40 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 62.

individuals contacted ACLEI 860 times between them, with one individual making contact more than 620 times.<sup>41</sup> However, the Integrity Commissioner was adamant that they 'do not detract substantially from our operational focus'.<sup>42</sup>

### *Committee view*

2.33 The committee agrees with ACLEI's assessment of its performance against KPI one. The committee notes that in purely numerical terms, the number of notifications and referrals from 2013-14 to 2014-15 has remained largely unchanged.

### **KPI two—ACLEI assesses all notifications and referrals of corruption issues in a timely way**

2.34 KPI two quantifies the timeliness of ACLEI's response to notifications or referrals of corruption issues. The annual report notes that 'some assessments are time critical because of the potential for target identification and evidence collection to require prompt action by ACLEI'.<sup>43</sup>

2.35 The annual report states that ACLEI met this measure through its internal processes relating to the allocation of investigative resources, noting its internal benchmark which aims to complete 75 per cent of all assessments within 90 days of receipt of the notification or referral.<sup>44</sup>

2.36 The annual report notes that 83 per cent (or 99 instances) of 120 assessments completed during 2014-15 were assessed within 90 days.<sup>45</sup> Further, 96 per cent (or 92 instances) of notifications and referrals received in 2014-15 and for which assessments were completed in the reporting year (96 instances) were finalised within 90 days of receipt.<sup>46</sup> Of the 92 instances that met the benchmark, 84 per cent (81 instances) were finalised within 30 days.<sup>47</sup> Fifteen issues were still awaiting assessment at the end of the period.<sup>48</sup>

### *Committee view*

2.37 ACLEI's internal benchmark provides a mechanism to evaluate whether KPI two was met effectively. The committee notes that ACLEI's performance against this measure has improved significantly by comparison to the 2013-14 reporting period. The committee commends ACLEI on its improved efficiency in this area and for its

---

41 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 62.

42 Mr Michael Griffin, Integrity Commissioner, ACLEI, *Committee Hansard*, 4 February 2016, p. 3.

43 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 30.

44 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 30.

45 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, pp 30–31.

46 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 31.

47 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 31.

48 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 31.

initiative to appoint a workflow manager. ACLEI achieved its 75 per cent benchmark this year with 96 per cent of issues assessed inside 90 days, an improvement on ACLEI's 2013-14 performance of 71 per cent.<sup>49</sup>

2.38 The committee will continue to monitor this KPI in future reports to ensure ACLEI's assessments are made in a timely manner.

2.39 The committee considers the number of corruption issues carried forward from year to year in Chapter 3.<sup>50</sup>

### **KPI three—ACLEI's investigations are conducted professionally and efficiently, and add value to the integrity system**

2.40 KPI three aims at supporting ACLEI's role within the Australian Government's law enforcement integrity framework—to detect and deter possible corrupt conduct. The annual report notes the Integrity Commissioner's role in providing independent advice to the Minister in relation to corruption risks, as well as the investigatory role of the Integrity Commissioner.<sup>51</sup>

2.41 ACLEI sought to address this measure by focussing its investigations on those 'most likely to yield the highest contribution to maintaining and improving integrity in law enforcement agencies.'<sup>52</sup>

2.42 Further, the annual report notes that ACLEI's legal advisers continue to advise the Integrity Commissioner and investigators about the lawful use of ACLEI's powers, authorisations, surveillance and telecommunication interception issues.<sup>53</sup>

2.43 The annual report notes that the Integrity Commissioner may reconsider previous corruption issues and how they should be dealt with. Under this arrangement, the Executive Director—Operations advises the Integrity Commissioner about possible reconsiderations, when warranted. This process occurred in 2014-15 when:

...the Integrity Commissioner and Acting Integrity Commissioner reconsidered and discontinued ACLEI investigations relating to three corruption issues. In each instance, consideration was given to disseminating collected evidence to relevant agencies, in accordance with the LEIC Act and other relevant legislation. In a number of other cases, the Integrity Commissioner reconsidered the type of investigation undertaken, for example to enter into joint investigations or instead to refer a matter for internal investigation by an agency<sup>54</sup>

---

49 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, pp 8, 30 and 75.

50 See paragraphs 3.25–3.31.

51 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 32.

52 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 32.

53 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 32.

54 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 33.

---

*Committee view*

2.44 The committee is satisfied that ACLEI has achieved this KPI.

**KPI four—ACLEI monitors corruption investigations conducted by law enforcement agencies**

2.45 The LEIC Act allows the Integrity Commissioner to refer corruption issues for internal investigations by LEIC Act agencies, or where a Commonwealth crime is evident, ask the AFP to investigate a corruption issue or issues relating to other LEIC Act agencies.<sup>55</sup> The annual report notes that at the conclusion of such investigations, the agency head or AFP Commissioner provides a report to the Integrity Commissioner for consideration, and the Integrity Commissioner may make recommendations and comments relating to the investigation or outcome.<sup>56</sup>

2.46 Following concerns raised by the Committee in its 2013-14 report, ACLEI implemented new communications arrangements with partner agencies to discuss the progress of internal investigations.<sup>57</sup> ACLEI now holds monthly meetings with the AFP and DIPB (formerly ACBPS) who have the most investigations.<sup>58</sup>

2.47 The annual report notes that the new arrangements have resulted in 'a higher than usual number of investigation reports' and the discontinuation of certain investigations with the Integrity Commissioner's agreement.<sup>59</sup>

2.48 In 2014-15, ACLEI received 51 reports of completed agency investigations.<sup>60</sup> This is an increase from the 16 reports of completed agency investigations in 2013-14.<sup>61</sup> As at 30 June 2015, a further 74 agency investigations were in progress, down from 85 at the beginning of 2014-15.<sup>62</sup>

*Committee view*

2.49 The committee commends ACLEI on implementing the new measures to regularly communicate with key law enforcement agencies about the progress of internal investigations.

2.50 The committee notes that ACLEI has included a new table in this year's annual report that shows the age of corruption issues being investigated by other agencies.<sup>63</sup> Based on this new information the committee notes that ACLEI and

---

55 *Law Enforcement Integrity Act 2006*, s. 26.

56 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 35.

57 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 35.

58 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 35.

59 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 35.

60 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 35.

61 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 35.

62 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 35.

63 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 75.

ACLEI partner agencies have committed resources to close older cases including 44 internal investigations from between 2010-11 and 2012-13.<sup>64</sup>

### **KPI five—ACLEI contributes to policy development and law reform in accountability and corruption prevention relating to law enforcement**

2.51 The purpose of KPI five is to assist the Integrity Commissioner to:

...advise the Australian Government and the Parliament about patterns and trends in corruption risks in law enforcement, and to recommend any changes to law and policy or to agency practices and procedures that may be desirable.<sup>65</sup>

2.52 In 2014-15, ACLEI undertook numerous actions in relation to KPI five, including:

- contributing to new data retention legislation;
- informing the process to extending ACLEI's jurisdiction to the Department of Immigration and Border Protection;
- making six public submissions to parliamentary inquiries, including into integrity arrangements at Australia's borders;
- contributing to the ACC *Organised Crime Threat Assessment 2015*;
- convening a workshop of LEIC Act agencies to map current and emerging corruption risks and vulnerabilities at Australia's border; and
- providing corruption prevention insights to a variety of law enforcement and Australian Public Service agencies, including by issuing an occasional paper and by making public presentations.<sup>66</sup>

#### ***Committee view***

2.53 The committee is satisfied that ACLEI has met KPI five, not only through the information provided in the annual report, but also in the committee's interactions with ACLEI over the financial year. ACLEI's officers have been consistently professional and helpful to the committee in its deliberations.

### **KPI six—Staff members of law enforcement agencies are made aware of ACLEI's role**

2.54 KPI six supports ACLEI's centrality as the solitary statutory authority charged with the prevention, detection and disruption of law enforcement corruption. As such, it is important that ACLEI continue to inform law enforcement partners and LEIC Act agencies of its role, as well as reminding officers in applicable LEIC Act agencies of their professional and legal obligations under the relevant integrity framework.

---

64 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 75.

65 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 37.

66 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 37.

2.55 ACLEI noted:

This effort also helps to instil shared values and create a law enforcement culture in which individuals (particularly supervisors) are able to recognise the indicators of corrupt behaviour and are willing to report information appropriately.<sup>67</sup>

2.56 ACLEI promotes its work to LEIC Act agencies through a range of strategies including its online presence, speeches, presentations and promotional material.<sup>68</sup> In 2014-15, the Integrity Commissioner and ACLEI staff addressed 27 audiences of ACLEI agencies, aimed at drawing:

...attention to ACLEI's role in the integrity framework and to build broad and diverse partnerships to further ACLEI's anti-corruption work.<sup>69</sup>

*Committee view*

2.57 The committee is satisfied that ACLEI has fulfilled its obligations under KPI six. The committee is aware of the effort ACLEI makes to raise awareness of its role as the Commonwealth's only dedicated anti-corruption agency, and believes ACLEI has discharged this obligation effectively.

**KPI seven—ACLEI handles personal information appropriately**

2.58 ACLEI has been granted significant information gathering and coercive powers, which result in the production of large amounts of personal information. This requires ACLEI to appropriately store and safeguard that information from inappropriate use:

This information is valuable to organised crime and corrupt law enforcement officers, who may wish to manipulate, destroy or use it to undermine a legitimate law enforcement outcome.<sup>70</sup>

2.59 The annual report explains that ACLEI's own Professional Standards Officer undertakes regular and random internal audits of databases and information holdings to ensure that ACLEI handles personal and sensitive information in an accountable and secure manner.<sup>71</sup> In 2014-15 ACLEI delivered training to all its staff members on information management and security. A subsequent internal audit by KPMG confirmed the appropriateness of ACLEI's arrangements.<sup>72</sup>

---

67 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 39.

68 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 39.

69 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 39. Specific details of ACLEI's outreach activities are included in Appendix 1 of the annual report.

70 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 41.

71 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 41.

72 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 41.

***Committee view***

2.60 The committee is satisfied that ACLEI has met its obligations to ensure the appropriate and secure storage of sensitive personal information. The committee supports the use of internal risk assessment tools to ensure appropriate standards are being maintained.



# Chapter 3

## Issues

3.1 This chapter considers issues including changes to LEIC Act agencies, trends in corruption-enabled border crime and the use of ACLEI's coercive powers during the reporting year. Further, the committee will also address additional matters raised in the public hearing into ACLEI's annual report conducted in February 2016.

### Changes to LEIC Act agencies

3.2 The annual report states that an important focus for ACLEI in 2014-15 was the changes to senior managers and agency heads of LEIC Act agencies, and the pending restructures within some of those agencies.<sup>1</sup> In particular the report notes the significant changes in LEIC agencies,<sup>2</sup> including:

- the integration of the Customs service into the DIBP and the establishment of the Australian Border Force within DIBP;
- numerous changes to agency heads:
  - Mr Andrew Colvin APM, Commissioner, AFP (appointed November 2014);<sup>3</sup>
  - Mr Paul Jevotvic APM, Chief Executive Officer, AUSTRAC (appointed October 2014);<sup>4</sup>
  - Mr Michael Pezzullo, Secretary, Department of Immigration and Border Protection (appointed October 2014);<sup>5</sup>
  - Mr Roman Quaedvlieg APM, Australian Border Force Commissioner, Department of Immigration and Border Protection (appointed July 2015);<sup>6</sup>

---

1 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 91.

2 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 91.

3 Australian Federal Police, *Media Release*, [www.afp.gov.au/media-centre/news/afp/2014/october/Media%20Release%20Andrew%20Colvin%20appointed%20as%20AFP%20Commissioner.aspx?source=rss](http://www.afp.gov.au/media-centre/news/afp/2014/october/Media%20Release%20Andrew%20Colvin%20appointed%20as%20AFP%20Commissioner.aspx?source=rss) (accessed 22 December 2015).

4 AUSTRAC, *Minister for Justice media release: New era for Australian Transaction Reports and Analysis Centre*, [www.austrac.gov.au/media/media-releases/minister-justice-media-release-new-era-australian-transaction-reports-and](http://www.austrac.gov.au/media/media-releases/minister-justice-media-release-new-era-australian-transaction-reports-and) (accessed 22 December 2015).

5 Department of Immigration and Border Protection, Michael Pezzullo, Secretary, [www.border.gov.au/about/corporate/who-we-are/senior-staff/michael-pezzullo](http://www.border.gov.au/about/corporate/who-we-are/senior-staff/michael-pezzullo) (accessed 22 December 2015).

6 Department of Immigration and Border Protection, *Roman Quaedvlieg APM*, [www.border.gov.au/about/corporate/who-we-are/senior-staff/roman-quaedvlieg](http://www.border.gov.au/about/corporate/who-we-are/senior-staff/roman-quaedvlieg) (accessed 22 December 2015).

- Mr Daryl Quinlivan, Secretary, Department of Agriculture and Water Resources (appointed June 2015);<sup>7</sup>
- a restructure of the ACC is underway;<sup>8</sup> and
- a review of the organisational arrangements for the administration of CrimTrac is underway.<sup>9</sup>

### **Corruption-enabled border crime**

3.3 It is clear from evidence gathered throughout the committee's work that corruption enabled border crime remains a significant concern and one that ACLEI is actively engaged with, together with its agency partners.

3.4 Chapter 7 of the annual report discusses patterns and trends and is particularly useful for the committee in its oversight role. The annual report notes that according to the United Nations Office on Drugs and Crime, Australia remains a lucrative drug market for international drug syndicates, especially for crystalline methamphetamine 'ice' and cocaine.<sup>10</sup>

3.5 The annual report also notes that the consistently high drug prices have attracted new crimes groups to Australia, including those known to 'routinely use corruption (bribery, extortion and infiltration) as a business cost in the other countries in which they operate'.<sup>11</sup>

3.6 To attempt to minimise risk to their illicit operations, there is a high value for information about 'law enforcement capabilities, methods, personnel and systemic vulnerabilities' that may help to defeat border controls.<sup>12</sup>

3.7 These factors highlight that:

As Australia reinforces its border control environment—for example through the establishment of the Australian Border Force—care will need to be taken to ensure that the risk of methodical attempts by organised crime to cultivate 'corrupt government insiders' is mitigated sufficiently.<sup>13</sup>

### **Corruption risk trends**

3.8 The annual report also notes other observations and trends that ACLEI continues to monitor, including the increased risks to dispersed workforces, the

---

7 The Hon. Barnaby Joyce, MP, Minister for Agriculture and Water Resources, 'Agriculture Minister welcomes new Secretary', Media Release, 10 June 2015, [www.agricultureminister.gov.au/Pages/Media-Releases/ag-min-welcomes-new-sec.aspx](http://www.agricultureminister.gov.au/Pages/Media-Releases/ag-min-welcomes-new-sec.aspx) (accessed 19 January 2015).

8 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 91.

9 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 91.

10 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 85.

11 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 85.

12 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 86.

13 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 87.

---

protection of key commodities, the possible threats posed by corrupt Information and Communications Technology staff and the risks and opportunities posed by structural change within agencies. The committee examines each of these issues below.

### ***Dispersed workforces***

3.9 The annual report notes that some LEIC Act agencies have geographically dispersed workforces, some of whom have border interdiction functions. This mode of work presents additional risk factors for the following reasons:

- Regionally based or dispersed staff have less-easy access to supervisory support and training;
- Staff in these areas have access to information and the discretion to make decisions that may impact the profitability of legal and illicit enterprises;
- Regional, isolated or mobile staff are more likely to have contact with the people or industry they are regulating than with the agency that employs them;
- Regional, isolated or mobile staff are more likely to have off-site supervision;
- Regional, isolated or mobile staff are more likely to work alone, this may provide opportunity for self-initiated corrupt conduct;
- There is also the potential for sub-cultures to develop within geographic or functional teams, potentially leading to misplaced loyalties or practices that may obscure corruption if it were to occur.<sup>14</sup>

3.10 The annual report notes that the LEIC Act agencies with dispersed workforces recognise these risks and review the measures they have in place to protect the integrity of their employees.

### ***Information and Communications Technology roles***

3.11 The annual report notes that corrupt officials with Information and Communications Technology (ICT) access pose a unique security and integrity challenge because of staff members' expertise, wide system access and authorities. They also have the technical expertise to 'conceal wrongful access or the unauthorised disclosure of information.'<sup>15</sup> As a consequence 'a corrupt official with ICT access has a commodity of value to corruptors.'<sup>16</sup>

3.12 The risks posed by corrupt officials in these positions have increased over time as law enforcement agencies have come to increasingly rely upon computer-based controls and information stored in databases.<sup>17</sup>

---

14 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 89.

15 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 90.

16 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 90.

17 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 90.

3.13 In 2014-15, ACLEI delivered a report to the Minister into Operation Helix.<sup>18</sup> Operation Helix investigated the possible illicit drug use of two ICT staff members at the ACBPS and their undeclared relationships with criminal contacts. Whilst the investigation did not result in a clear outcome, it illustrated the risk that ICT staff with high-level access may pose.<sup>19</sup>

3.14 ACLEI explained that it would convene a meeting of ICT Security Advisors from LEIC Act agencies in the second half of 2015 to address the increased corruption risk posed to ICT staff.<sup>20</sup>

### ***Managing change***

3.15 As outlined above, several LEIC Act agencies were undergoing structural change at the end of the reporting period.<sup>21</sup> The annual report notes that structural change can give rise to increased corruption but that it can also be an opportunity to build anti-corruption measures into routine business practice and planning.<sup>22</sup>

### ***Protecting key commodities***

3.16 The annual report notes that agencies ought to protect vital pieces of information that allow agencies to carry out their role. ACLEI notes that vital law enforcement information is a valued commodity to organised crime groups and is therefore a target of corruption activity.<sup>23</sup>

3.17 To combat this threat, ACLEI encourages LEIC Act agencies to adopt 'crown jewel strategies' by prioritising protecting their core business assets from discovery, destruction, manipulation or misuse.<sup>24</sup>

### **Coercive information-gathering powers**

3.18 Part 9 of the LEIC Act sets out the Integrity Commissioner's information gathering powers. These powers require a person to produce documentary evidence or appear as a witness and answer questions truthfully at a hearing. A 'notice to produce' or a summons to attend a hearing can be issued only in relation to ACLEI investigations or joint operations.<sup>25</sup>

---

18 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 83; ACLEI, *Report 01/2015 Operation Helix – a joint investigation into alleged drug use by Australian Customs and Border Protection Service ICT employees*.

19 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 83.

20 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 90.

21 See paragraph 3.2.

22 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 91.

23 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 90.

24 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 90.

25 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 70.

3.19 The annual report notes that 'it is an offence not to comply with a notice or summons and not to answer questions, or not to answer truthfully.'<sup>26</sup> In the previous reporting period (2013-14), the Integrity Commissioner served 17 summonses and held 17 hearings in relation to four investigations and issued 31 notices in relation to three investigations.<sup>27</sup>

3.20 By comparison, in 2014-15 the Integrity Commissioner issued:

...six summonses in relation to two investigations and held seven hearings, including one hearing for which the summons had been issued in the previous year... The Integrity Commissioner also issued 32 notices to produce information, documents or things, in relation to 10 investigations (including one investigation for which both notices and hearings were used).<sup>28</sup>

3.21 These figures suggest the increase in ACLEI's jurisdiction has not resulted in an increased use of ACLEI's intrusive information gathering powers.

### **Intrusive information gathering powers**

3.22 The Integrity Commissioner has extensive intrusive and covert powers for the purpose of investigating possible corrupt conduct. During the year, these powers were used nine times as part of investigation strategies relating to two investigations. This is a considerable decrease from the 47 uses of intrusive and covert information gathering powers used in 2013-14.<sup>29</sup> The Integrity Commissioner explained that the use of ACLEI's coercive powers fluctuates over time depending on the nature of current investigations:

Often [intrusive information gathering powers are used] in response to how well an investigation goes or how deeply it is penetrating. You would not expect to see a consistent use of [the intrusive powers] over time; rather, peaks and troughs as they are required... the peaks and troughs probably are a little more spread out than they might have been when it was a simpler crime or corruption world than it is now.<sup>30</sup>

3.23 The committee notes that this number does not include warrants obtained by other agencies in the context of joint investigations.

### **Ombudsman report on controlled operations**

3.24 In the usual manner, the committee received a report from the Commonwealth Ombudsman regarding the Integrity Commissioner's involvement in controlled operations under Part 1AB of the *Crimes Act 1914* during the preceding 12 months. The report was provided in accordance with the LEIC Act. The committee noted the

---

26 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 70.

27 ACLEI, *Annual Report of the Integrity Commissioner 2013-14*, p. 81.

28 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 70.

29 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 71.

30 Mr Michael Griffin AM, Integrity Commissioner, ACLEI, *Committee Hansard*, 4 February 2016, p. 4.

report's findings and has received it as confidential correspondence in adherence to the LEIC Act.<sup>31</sup>

### **Corruption issues carried forward**

3.25 In previous reports the committee has expressed concerns about the increasing number of issues carried over from one year to the next and ACLEI's ability to manage the volume of work within existing resources.<sup>32</sup>

3.26 In the Integrity Commissioner's response to the committee's *Examination of the Annual Report of the Integrity Commissioner 2013-14*, the Integrity Commissioner noted that the following factors contribute to corruption issues being carried over:

- an increase in the quality of intelligence leading to more issues being investigated;
- case prioritisation; and
- administrative lag.<sup>33</sup>

3.27 In 2014-15 and 2015-16, 152 and 157 issues were carried forward from the previous years respectively.<sup>34</sup> ACLEI's annual report attributes the variance in the closure rate to:

- variations in the volume and scope of corruption issues notified or reported to ACLEI;
- complexity of the investigations being conducted in any given year;
- progress of the external workload (comprising matters sent to other agencies for internal investigation); and
- the resources available to ACLEI in any given year.<sup>35</sup>

### ***Committee comment***

3.28 The committee acknowledges the appropriateness of ACLEI's explanations. The committee also notes ACLEI's statement that urgent notifications or referrals were prioritised and also that ACLEI has allocated specific resources to ensure outstanding assessments are concluded.<sup>36</sup>

3.29 The committee notes that the number of issues carried over from 2014-15 to 2015-16 has increased by five. The comparative carry over figure for the previous

---

31 *Law Enforcement Integrity Commission Act 2006*, s. 218.

32 PJC-ACLEI, *Examination of the Annual Report of the Integrity Commissioner 2012-13*, September 2014, p. 22; PJC-ACLEI, *Examination of the Annual Report of the Integrity Commissioner 2013-14*, June 2015, p. 23

33 ACLEI, Response to PJC-ACLEI *Examination of the 2013-14 Annual Report of the Integrity Commissioner*, 9 June 2015, p. 3.

34 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 62.

35 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 76.

36 ACLEI, *Annual Report of the Integrity Commissioner 2014-15*, p. 30.

---

reporting period was 26. This reducing carry over trend appears to demonstrate that ACLEI's actions to reduce the time taken to conclude issues are proving effective.

3.30 The committee felt that the addition of Table 17 was a useful inclusion. However, for future reports, the committee would find it useful to have the age of issues being carried forward separated into three tables: corruption issues under investigation by other agencies (similar to Table 17), corruption issues under investigation by ACLEI or jointly with other agencies, and an aggregate table of corruption issues being carried forward (similar to Table 18).

3.31 To ensure that this positive trend continues, the committee will monitor this important aspect of ACLEI's performance in future reporting periods.

### ***Conclusion***

3.32 The committee appreciates the challenges before ACLEI at the present time, including the ongoing issues associated with ACLEI's expanded jurisdiction.

3.33 ACLEI's 2014-15 report reflects its strong presence within the Commonwealth's law enforcement and integrity landscape and its ability to respond and adapt to a rapidly transforming corruption landscape.

3.34 Finally, the committee commends Mr Michael Griffin AM and thanks all of ACLEI's staff for their hard work over the reporting period and for their informative annual report.

**Mr Russell Matheson MP**

**Chair**





# **Appendix 1**

## **Witnesses who appeared before the committee**

**Thursday, 4 February 2016 – Parliament House, Canberra**

**Australian Commission for Law Enforcement Integrity**

Mr Michael Griffin AM, Integrity Commissioner

Mr Nicholas Sellars, Executive Director Secretariat

Ms Penny McKay, General Counsel

