



AUSTRALIAN
SENATE

**Senate Standing Committee for the
Scrutiny of Delegated Legislation**

Parliament House, Canberra ACT 2600
02 6277 3066 | sdlc.sen@aph.gov.au
www.aph.gov.au/senate_sdlc

18 February 2021

The Hon Christian Porter MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Via email: Christian.Porter.MP@aph.gov.au
CC: attorney@ag.gov.au; DLO@ag.gov.au

Dear Attorney-General,

Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020 [F2020L01506]

The Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee) assesses all disallowable legislative instruments against scrutiny principles outlined in Senate standing order 23. The committee has identified scrutiny concerns in relation to the above instrument, and the committee seeks your advice in relation to this matter.

Matters more appropriate for parliamentary enactment

Senate standing order 23(3)(j) requires the committee to consider whether an instrument contains matters more appropriate for parliamentary enactment (that is, matters that should be included in primary, rather than delegated, legislation).

The instrument amends the Law Enforcement Integrity Commissioner Regulations 2017 to expand the definition of 'law enforcement agency' for the purpose of section 5 of the *Law Enforcement Integrity Commissioner Act 2006*. This has the effect of expanding the jurisdiction of the Australian Commission for Law Enforcement Integrity (ACLEI) to the Australian Competition and Consumer Commission, the Australian Prudential Regulation Authority, the Australian Securities and Investments Commission and the Australian Taxation Office. This enables the Integrity Commissioner to exercise their powers and functions in relation to these agencies and their head, staff members and secondees. The explanatory statement to the instrument explains that this may include certain investigative powers.

The committee generally considers that significant matters, such as significantly expanding the jurisdiction of a Commonwealth integrity body and broadening the application of its investigative powers, are more appropriately enacted via primary legislation. Where significant matters are nevertheless left to delegated legislation, the committee would expect a sound justification for the use of delegated legislation to be provided in the explanatory statement. In this instance, the committee notes that the explanatory statement to the instrument does not provide any information as to why it is considered necessary and appropriate to leave these significant matters to delegated legislation.

In light of the above, the committee requests your advice as to why it is considered necessary and appropriate to significantly expand the jurisdiction of the Australian Commission for Law Enforcement Integrity to four additional Commonwealth government agencies via delegated, rather than primary, legislation.

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. Noting that the 15th sitting day after the instrument was tabled in the Senate is 23 February 2021, the committee has resolved to give a notice of a motion to disallow the instrument on that day as a precautionary measure to allow additional time for the committee to consider information received.

Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **4 March 2021**.

Finally, please note that, in the interests of transparency, this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to sdlc.sen@aph.gov.au.

Thank you for your assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation



The Hon Christian Porter MP
Attorney-General
Minister for Industrial Relations
Leader of the House

MC21-006156

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation
Parliament House
CANBERRA ACT 2600
sdlc.sen@aph.gov.au

Dear Chair

Thank you for your letter of 18 February 2021 regarding the *Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020* (Regulations).

As you are aware, the Regulations expand the jurisdiction of the Australian Commission for Law Enforcement Integrity (ACLEI) to cover the Australian Competition and Consumer Commission, the Australian Prudential Regulation Authority, the Australian Securities and Investments Commission and the Australian Taxation Office.

The Senate Standing Committee for the Scrutiny of Delegated Legislation (the Committee) has requested further advice as to why it is necessary and appropriate to expand ACLEI's jurisdiction via delegated, rather than primary, legislation. Please see my advice on this matter below.

Law Enforcement Integrity Commission Act 2006

Parliament considered the appropriateness and necessity of expanding ACLEI's jurisdiction via Regulation when it passed the *Law Enforcement Integrity Commission Act 2006* (LEIC Act). Paragraph (d) of the definition of 'law enforcement agency' in subsection 5(1) of the LEIC Act allows agencies within ACLEI's jurisdiction to be added by regulation. The then Attorney-General the Hon Phillip Ruddock's Second Reading speech to the LEIC Act on 29 March 2006 expressly stated that '*the Australian government agencies with law enforcement functions may later be brought within the jurisdiction [of ACLEI] by regulations.*'

Further, the Explanatory Memorandum to the LEIC Act identified that (when discussing the general regulation making power in section 224):

'in the future, it may be necessary for the Regulations to prescribe other agencies to be included as a 'law enforcement agency' for the purposes of the Bill and Clause 5 currently reflects that any additional Commonwealth government agencies may be prescribed by regulation' at page 99 (emphasis added).

There are various mechanisms throughout the LEIC Act which allow for the expansion of ACLEI's jurisdiction by delegated legislation. For example, subsection 10(4) and 10(5)(d) of the LEIC Act provide that 'staff members' and 'seconded' of the prescribed law enforcement agencies can be also be prescribed by regulation. Paragraph (c) of the definition of 'head' in subsection 5(1) of the LEIC Act provides that the 'head' of such agencies can be prescribed by regulation. Subsection 6(2) of the LEIC Act limits ACLEI's jurisdiction to those prescribed law enforcement agencies that 'engage in corrupt conduct' in relation to the performance of 'law enforcement functions'.

In my view, it remains appropriate that the Government be able to extend ACLEI's jurisdiction in a flexible way to respond to the way agencies evolve and corruption risks emerge.

Additionally, there is precedent for expanding ACLEI's jurisdiction by delegated legislation utilising the mechanisms described above. For example, the *Law Enforcement Integrity Commissioner Amendment Regulations 2010 (No.1)* (2010 Regulations) prescribed the then Australian Customs and Border Protection Service as a law enforcement agency within ACLEI's jurisdiction. My department has not been able to find any record of scrutiny concerns the Committee raised in relation to the 2010 Regulations, though the Explanatory Statement to these regulations did not specify why ACLEI's jurisdiction was expanded via delegated legislation at that time.

In light of the matters outlined above, it is clear that the Parliament has previously considered it appropriate for ACLEI's jurisdiction to be expanded via delegated, rather than primary, legislation. I believe this approach continues to be necessary. Accordingly, I consider the recent expansion of ACLEI's jurisdiction via Regulation to be appropriate.

Oversight of ACLEI

In considering this matter, the Committee may wish to have regard to the various oversight arrangements for ACLEI. These arrangements ensure that ACLEI uses its expanded jurisdiction appropriately. For example, ACLEI is subject to oversight by various bodies, including through the following measures:

- the Commonwealth Ombudsman, who must brief the Committee once a year about the Integrity Commissioner's involvement in controlled operations under Part IAB of the *Crimes Act 1914* (LEIC Act, section 218)
- the Parliamentary Joint Committee on the ACLEI which must, among other things, monitor and review the Integrity Commissioner's performance of his or her functions, report to both Houses of Parliament on matters connected with the performance of the Integrity Commissioner's functions or relating to ACLEI, and examine each annual report or special report prepared by the Integrity Commissioner (LEIC Act, section 215)
- the Minister, who ACLEI must report to after completing an investigation (LEIC Act, section 54).

Further, the Integrity Commissioner must report on a range of matters in its annual report. These include prescribed particulars of corruption issues notified to the Integrity Commissioner, corruption issues dealt with by the Integrity Commissioner on his or her own initiative, and ACLEI corruption issues investigated during that period (LEIC Act, section 201(a)). These arrangements ensure ACLEI is subject to oversight as it extends its jurisdiction over the agencies prescribed in the Regulations.

Consultation with agencies affected

The Attorney-General's Department consulted extensively with each of agencies prescribed in the Regulations and worked with agencies to ensure the Regulations were fit for purpose.

Commonwealth Integrity Commission

Finally, I advise that the expansion of ACLEI's jurisdiction is a crucial component of the Government's commitment to establish the Commonwealth Integrity Commission (CIC). The expansion of ACLEI's jurisdiction is phase one of the two-phased implementation of the Government's CIC, ahead of the commencement of the proposed CIC legislation.

The CIC will be a centralised, specialist centre investigating corruption in the public sector. It will be established as an independent statutory agency, led by the Integrity Commissioner and assisted by the Law Enforcement Integrity Commissioner and the Public Sector Integrity Commissioner. The CIC will comprise two divisions:

- a law enforcement integrity division – this will have the same functions and powers as ACLEI, but with a broader jurisdiction. The CIC would be established as a new independent statutory agency, with the law enforcement integrity division subsuming and replacing ACLEI.
- a public sector integrity division – this will investigate alleged criminal corruption involving government departments and their staff, parliamentarians and their staff, the staff of federal judicial officers, and in appropriate circumstances, recipients of Commonwealth funds.

The first phase of the government's plan for a CIC is provided for in the Regulations through the expansion of ACLEI's jurisdiction over the prescribed agencies. Given the unique corruption risks posed by agencies exercising law enforcement functions, Government viewed it as both necessary and appropriate to expand ACLEI's jurisdiction to these agencies ahead of the CIC's establishment. The second phase of the implementation of the CIC will be the full delivery of the CIC by legislation which, if passed by Parliament, will subsume ACLEI and cover the remainder of the public sector.

The CIC legislation will provide legislative coverage by way of primary legislation for all agencies covered by the CIC's jurisdiction including those currently included in the Regulations.

Thank you again for bringing the Committee's concerns to the Government's attention. I trust this information is of assistance to you.

Yours sincerely

The Hon Christian Porter MP
Attorney-General
Minister for Industrial Relations
Leader of the House



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18 March 2021

The Hon Christian Porter MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Via email: Christian.Porter.MP@aph.gov.au
CC: attorney@ag.gov.au; DLO@ag.gov.au

Dear Attorney-General,

Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020 [F2020L01506]

Thank you for your response of 26 February 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation in relation to the above instrument. The committee considered your response at its private meeting on 17 March 2021 and has resolved to seek your further advice about the issues outlined below.

Matters more appropriate for parliamentary enactment

In your response, you advised that the expansion of the jurisdiction of the Australian Commission for Law Enforcement Integrity (ACLEI) is appropriate to include in delegated legislation as this provides for greater flexibility to respond to the way agencies evolve and corruption risks emerge. You further advised that such expansions were foreshadowed at the time the *Law Enforcement Integrity Commission Act 2006* was considered by the Parliament and other expansions have previously been made via delegated legislation.

While noting your advice, the committee does not consider flexibility or consistency with past practice to be sufficient justifications for the inclusion of such matters in delegated legislation.

Your response also notes that the expansion of ACLEI's jurisdiction is a key component of the government's commitment to establishing the Commonwealth Integrity Commission (CIC). You advised that the second phase of this process will involve establishing, via primary legislation, the CIC, which will subsume ACLEI and cover the remainder of the public sector.

The committee retains significant concerns about ensuring that the Parliament has appropriate opportunity to consider the issue of significantly expanding the jurisdiction of a Commonwealth integrity body and therefore broadening the application of its investigative powers. In this regard, I note that the committee has drawn this instrument to the attention of the Senate in accordance with Senate standing order 23(4). Additionally, the committee has drawn the instrument to the attention of the Senate Legal and Constitutional Affairs Legislation Committee and the Joint Committee on the Australian Commission for Law Enforcement Integrity.

In light of your advice that future steps to establishing the CIC are intended to be included in primary legislation, it is unclear to the committee why the expansion of ACLEI's jurisdiction was not similarly included in primary legislation as part of a first phase of that process.

Despite the instrument significantly expanding ACLEI's operation and the application of its investigative powers, the explanatory statement does not explain the practical effect and scope of this jurisdictional expansion. It remains unclear how many additional officials will be subject to these powers as a consequence of the instrument, and the committee considers this information is essential for the Senate to be aware of when assessing whether such measures are appropriate for delegated legislation.

The committee therefore requests your further advice as to:

- **whether consideration was given to including the significant expansion of ACLEI's jurisdiction in primary legislation as a first phase of the government's plans for a Commonwealth Integrity Commission and, if not, why not; and**
- **what the practical effect and scope of expanding ACLEI's jurisdiction will entail, including:**
 - **how many officials were subject to ACLEI's jurisdiction prior to the commencement of the instrument; and**
 - **how many additional officials will now be subject to ACLEI's investigatory powers as a consequence of the instrument.**

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. The committee gave notice of a motion to disallow the instrument on 23 February 2021 as a precautionary measure to allow additional time for the committee to consider information received.

Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **1 April 2021**.

Finally, please note that, in the interests of transparency this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to sdlc.sen@aph.gov.au.

Thank you for your assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation



Senator the Hon Amanda Stoker
Assistant Minister to the Attorney-General

MC21-009629

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny
of Delegated Legislation
Parliament House
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sdlc.sen@aph.gov.au

Dear Chair

Connie,
Thank you for your Letter of 18 March 2021 to the former Attorney-General and Minister for Industrial Relations, the Hon Christian Porter MP, regarding the *Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020* (Regulations).

As you are aware, the Regulations expand the jurisdiction of the Australian Commission for Law Enforcement Integrity (ACLEI) to cover the Australian Competition and Consumer Commission (ACCC), the Australian Prudential Regulation Authority (APRA), the Australian Securities and Investments Commission (ASIC) and the Australian Taxation Office (ATO).

The Senate Standing Committee for the Scrutiny of Delegated Legislation (the Committee) has requested further advice in relation to whether consideration was given to including ACLEI's expansion in primary legislation and information about the practical effect and scope of expanding ACLEI's jurisdiction. Please see my advice below.

Consideration of primary legislation

I confirm that the government did give consideration to expanding ACLEI's jurisdiction via primary legislation rather than delegated legislation. On balance, the government determined that in this circumstance it would more appropriate to expand ACLEI's jurisdiction via regulation.

The primary reasons for this decision are set out in the former Attorney-General's letter to you of 26 February 2021.

The Government is progressing the establishment of the Commonwealth Integrity Commission (CIC) through primary legislation. The Government determined that the first stage of implementing the CIC would be to expand ACLEI's current jurisdiction to the remaining agencies that would form the Law Enforcement Integrity Division of the CIC. The second stage is to finalise the CIC legislation to bring the remainder of the public sector, along with higher education providers and some research bodies, into the jurisdiction of the CIC. At this time, ACLEI will be subsumed by the CIC.

The new agencies – ACCC, APRA, ASIC and ATO – have access to significant coercive powers and highly sensitive information. This access carries particular corruption risks and can make it more difficult to detect corruption within the highest risk parts of these agencies, similar to other law enforcement agencies within ACLEI's jurisdiction.

While the Government intends to introduce the CIC Bill into Parliament in 2021, it is complex legislation, which may take some time to pass parliamentary processes. Providing coverage of these agencies by regulation, which is expressly provided for in ACLEI's existing primary legislation, allows corrupt activity to be investigated without delay. Even if primary legislation to amend the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act) was progressed, any delays with the passage of that legislation could cause it to be in the Parliament at the same time as the CIC Bill, leading to duplication and confusion for the affected agencies.

The Government is consulting extensively with key stakeholders on the CIC legislation – to date it has received 334 written submissions and hosted 45 meetings with key stakeholders. Concerns have not been raised about ACLEI's jurisdiction being expanded by regulation in advance of the CIC legislation being finalised in submissions or at meetings. In fact, they have welcomed these early steps to implementing a comprehensive anti-corruption body at the federal level.

Practical effect and scope of ACLEI's expansion

Prior to the commencement of the Regulations, ACLEI's jurisdiction included the Australian Criminal Intelligence Commission (ACIC), the Austral Federal Police (AFP), the Australian Transaction Reports and Analysis Centre (AUSTRAC), the Department of Home Affairs, and prescribed aspects of the Department of Agriculture, Water and the Environment (DAWE).

As at 30 June 2020, ACIC, AFP, AUSTRAC and the Department of Home Affairs reported a total of approximately 22,184 staff in their annual reports. In addition, ACLEI's jurisdiction over DAWE only extends to the Secretary of DAWE and the class of persons prescribed by regulation – a total of approximately 1,818. Accordingly, the total number of staff in ACLEI's jurisdiction prior to the commencement of the regulations was approximately 24,002.

As at 30 June 2020, the four new agencies within ACLEI's jurisdiction reported a total of approximately 25,197 staff in their annual reports. However, this does not equate to the number of new staff that would in fact fall within ACLEI's jurisdiction.

Pursuant to subsection 6(2) of the LEIC Act, the question of whether a staff member within the four new agencies falls within ACLEI's jurisdiction depends on whether the staff member has engaged in corrupt conduct that 'relates to the performance of a law enforcement function'. This restriction significantly reduces the number of people within the agencies that the powers apply to. It is imposed by the LEIC Act to ensure ACLEI's jurisdiction over agencies added by regulation is limited to activities that pose higher corruption risks.

The determination of whether a matter 'relates to the performance of a law enforcement function' will depend on a range of facts and circumstances. As such, the number of staff in the new agencies that would be subject to ACLEI's powers under the instrument would be less than the 25,197 quoted above. Given it will be determined on a case by case basis whether a staff member has engaged in corrupt conduct in relation to the performance of a law enforcement function, it is not possible to provide an exact figure to the Committee.

Thank you again for bringing the Committee's concerns to the government's attention. I trust this information is of assistance to you.

Yours sincerely

Senator the Hon Amanda Stoker
Assistant Minister to the Attorney-General



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13 May 2021

Senator the Hon Amanda Stoker
Assistant Minister to the Attorney-General
Parliament House
CANBERRA ACT 2600

Via email: AMO.DLO@ag.gov.au

Dear Assistant Minister,

Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020 [F2020L01506]

Thank you for your response of 14 April 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation in relation to the above instrument. The committee considered your response at its private meeting on 12 May 2021 and has resolved to seek your further advice about the issues outlined below.

As you are aware, the committee previously emphasised its significant concern that delegated legislation is being used to significantly expand the jurisdiction of a Commonwealth integrity body and effectively broaden the application of its investigative powers.

The committee notes your advice that the government considered implementing the measures introduced by the instrument via primary legislation but determined it was more appropriate to use delegated legislation at the time. You advised that the government intends to introduce the Commonwealth Integrity Commission (CIC) Bill into Parliament this year and once the CIC is operational, it will subsume the Australian Commission for Law Enforcement Integrity (ACLEI).

While the committee appreciates this further information, it remains concerned about the use of delegated legislation to introduce such significant measures. The committee is particularly concerned as there does not appear to be a clear timeframe for the introduction of the CIC Bill to Parliament. There also does not appear to be a clear timeframe for the CIC commencing its operations, or when ACLEI will be subsumed.

Further, the committee is concerned that the measures in this amendment instrument will remain in force until the Law Enforcement Integrity Commissioner Regulations 2017 (the principal instrument) sunsets on 1 April 2027. It is generally expected that such significant measures will be introduced via primary legislation, and where this is not possible or appropriate, a shorter sunset period will apply to ensure regular Parliamentary oversight.

The committee considers that a shorter sunset period is particularly appropriate in this instance given the intention that the CIC will subsume ACLEI if the CIC Bill is passed by the Parliament. In the event that the CIC Bill is not passed by the Parliament, a shorter sunset period would provide an opportunity for this significant expansion of ACLEI's jurisdiction to be set out in standalone primary

legislation prior to the sunset date, or at least in a further regulation which would provide an opportunity for further parliamentary consideration of this significant measure.

The committee therefore requests your further advice as to:

- **when it is expected that the CIC Bill will be introduced into the Parliament and, should the bill be passed by the Parliament, the anticipated timeframe for the CIC to commence operations; and**
- **whether the principal instrument can be amended to provide that the measures in this amendment instrument cease after 3 years.**

The committee's expectation is to be able to consider and report on the instrument while it is still subject to disallowance. The committee therefore gave notice of a motion to disallow the instrument on 23 February 2021 as a precautionary measure to allow additional time for the committee to consider information received.

Noting this, and to facilitate the committee's consideration of the matters over, the committee would appreciate your response by **27 May 2021**.

Finally, please note that, in the interests of transparency, this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to sdlc.sen@aph.gov.au.

Thank you for your assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation



Senator the Hon Michaelia Cash
Attorney-General
Minister for Industrial Relations
Deputy Leader of the Government in the Senate

Reference: MC21-032949

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation
Parliament House
CANBERRA ACT 2600

By email: sdlc.sen@aph.gov.au

Dear Chair

Thank you for your letter of 13 May 2021 to Senator the Hon Amanda Stoker, Assistant Minister to the Attorney-General, requesting further advice on the *Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020* (2020 Regulations) and the Commonwealth Integrity Commission (CIC) Bills.

The Australian Government is committed to establishing the CIC and has recently completed an extensive consultation process on the CIC Bills. Feedback from this process will inform further refinements to the CIC Bills prior to their introduction in Parliament. The Government intends to introduce the CIC Bills in 2021. The measures in the 2020 Regulations will be given effect via legislation once the CIC Bills commence and the agencies currently under the jurisdiction of the Australian Commission for Law Enforcement Integrity (ACLEI) are brought under the jurisdiction of the CIC.

Timing for the passage of the CIC Bills will be subject to parliamentary processes. The Government intends for the CIC to commence operations six months after the date of Royal Assent. This will provide sufficient time to establish the CIC as an independent entity and undertake the necessary transitional arrangements for ACLEI.

While I note the Government's commitment to establish the CIC, the Senate Standing Committee for the Scrutiny of Delegated Legislation's suggestion that the 2020 Regulations sunset after three years is reasonable. I will write to the Prime Minister seeking his approval to undertake the necessary amendments as soon as possible.

I trust this information will assist the Committee's consideration of the 2020 Regulations.

Yours sincerely

Senator the Hon Michaelia Cash

02/06/2021



8 June 2021

Senator the Hon Michaelia Cash
Attorney-General
Parliament House
CANBERRA ACT 2600

Via email: attorney@ag.gov.au

CC: DLO@ag.gov.au

Dear Attorney-General,

Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020 [F2020L01506]

Thank you for your letter of 2 June 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation in relation to the above regulations.

As you are aware, the committee has previously emphasised its significant concern that delegated legislation is being used to substantially expand the jurisdiction of the Australian Commission for Law Enforcement Integrity and effectively broaden the application of its investigative powers.

The committee acknowledges your advice that it is the government's intention to introduce the Commonwealth Integrity Commission (CIC) bills into the Parliament in 2021 and for the CIC to commence operations six months after the date of Royal Assent.

The committee also welcomes your advice that the committee's suggestion that the regulations sunset after three years is reasonable and that you will write to the Prime Minister to seek his approval to undertake the necessary amendments as soon as possible. Your constructive engagement on this matter is greatly appreciated.

The committee requests your further advice as to whether the Prime Minister has approved amending the regulations as soon as possible. Noting that the disallowance period for the regulations expires on 23 June 2021, the committee requests this advice by **15 June 2021**.

As the committee is not yet in a position to conclude its consideration of the regulations, the committee has resolved to retain the disallowance notice currently in place on the regulations. The committee will further consider its position in relation to the disallowance notice once it has had the opportunity to consider your further advice.

Please note that, in the interests of transparency, this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to sdlc.sen@aph.gov.au.

Thank you again for your ongoing assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells

Chair

Senate Standing Committee for the Scrutiny of Delegated Legislation



Senator the Hon Michaelia Cash
Attorney-General
Minister for Industrial Relations
Deputy Leader of the Government in the Senate

Reference: MS21-000601

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation
Parliament House
CANBERRA ACT 2600

By email: sdlc.sen@aph.gov.au

Dear Chair

Thank you for your letter of 8 June 2021 regarding Law Enforcement Integrity Commissioner Regulations 2017 (2017 Regulations).

I am writing to advise you that the Hon Ben Morton MP, Assistant Minister to the Prime Minister and Cabinet, on behalf of the Prime Minister, the Hon Scott Morrison MP, has agreed to my proposed amendments to the 2017 Regulations. These amendments would ensure provisions relating to the inclusion of additional agencies within the Australian Commission for Law Enforcement Integrity (ACLEI)'s jurisdiction, via regulation, would sunset by 2024.

I intend for the amended regulations to be considered by the Federal Executive Council during the Spring 2021 parliamentary sitting period.

I trust this information is of assistance in the Committee consideration of the 2020 Regulations.

Yours sincerely

Senator the Hon Michaelia Cash

16/6 / 2021



AUSTRALIAN
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Scrutiny of Delegated Legislation**

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17 June 2021

Senator the Hon Michaelia Cash
Attorney-General
Parliament House
CANBERRA ACT 2600

Via email: attorney@ag.gov.au

CC: DLO@ag.gov.au


Dear Attorney-General,

Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020 [F2020L01506]

Thank you for your response of 16 June 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation, in relation to the above instrument. The committee considered your response at its private meeting on 16 June 2021.

The committee welcomes your advice that the Assistant Minister to the Prime Minister and Cabinet has agreed to your proposed amendments to the regulations which would ensure that provisions relating to the inclusion of four new government agencies to the jurisdiction of the Australian Commission for Law Enforcement Integrity will sunset by 2024. On the basis of your undertaking to amend the regulations in this manner the committee has concluded its examination of the instrument and has resolved to withdraw its notice of motion to disallow the instrument.

In the interests of transparency, I note that this correspondence will be published on the committee's website and recorded in the *Delegated Legislation Monitor*.

Thank you again for your ongoing and constructive assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation