

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Australian Commission for Law Enforcement Integrity

Question No. BE17-180

Senator Pratt asked the following question on 28 August 2017:

How many corruption issues/referrals has ACLEI received in the following years:

2011
2012
2013
2014
2015
2016
2017 (to date)

How many corruption issues were conducted as internal investigations by LEIC Act agencies during the following years:

2011
2012
2013
2014
2015
2016
2017 (to date)

How many of these corruption issues were reconsidered and discontinued by LEIC Act agencies with the agreement of ACLEI during the following years:

2011
2012
2013
2014
2015
2016
2017 (to date)

How many allegations of corruption issues/referrals/notifications did ACLEI itself decide not proceed with? Please break this down for the following years:

2011
2012
2013
2014
2015
2016

2017 (to date)

How many investigations did ACLEI itself commence into corruption issues during the following years:

2011

2012

2013

2014

2015

2016

2017 (to date)

How many priority investigations were commenced by ACLEI in the following years:

2011

2012

2013

2014

2015

2016

2017 (to date)

How many investigations were concluded/finalised by ACLEI in the following years:

2011

2012

2013

2014

2015

2016

2017 (to date)

How many investigations led to prosecutions? Please break this down for the following years:

2011

2012

2013

2014

2015

2016

2017 (to date)

How many current investigations does ACLEI have (investigations that are not yet finalised)?

Of these:

how many relate the Department of Immigration and Border Protection? and

how many are in the information-collection or in report-writing stages?

Please provide the ASL for ACLEI in for the following years:

2011

2012

2013

2014
2015
2016
2017 (to date)

How many staff at ACLEI were working full-time on investigations in the following years:

2011
2012
2013
2014
2015
2016
2017 (to date)

The response to the honourable Senator's question is as follows:

The *Law Enforcement Integrity Commissioner Regulations 2017* (and their predecessor, the LEIC Regulations 2006) prescribe mandatory categories of statistical reporting as part of the Integrity Commissioner's Annual Report. The following information is drawn primarily from those public sources, which is presented on the basis of Financial Year reporting. ACLEI has been advised by the Committee Secretariat that Senator Pratt has agreed to ACLEI providing information on the basis of financial years, a courtesy which is appreciated.

1. Corruption issues received [sections 18, 19, 23, LEIC Act] and 'own initiative' corruption issues [section 38]—see Table 1.
2. Any corruption issues conducted 'externally' in that year as internal investigations by LEIC Act agencies [sections 22(1), 26(1)(b)] or as an AFP criminal investigation [section 26(1)(c)]—see Table 1.
3. Any corruption issues dealt with as 'external' investigations that were discontinued in that year at ACLEI's initiative or with ACLEI's agreement [section 42, LEIC Act]—see Table 1 (note that these figures can include matters from previous years that were still active).
4. Any corruption issues that were determined as not warranting investigation under the LEIC Act framework, following initial assessment by ACLEI [section 31(2)(b) and 32(2)(b)]—see Table 1.
5. Any corruption issues dealt with as ACLEI investigations in that year [section 26(1)(a)]—see Table 1.
6. Since 2015–16, resources allow between 10 to 15 investigations to receive priority resourcing at any one time in a year.
7. Any corruption issues for which an investigation under the LEIC Act framework was concluded or finalised (includes review by ACLEI of completed internal investigation or AFP reports [section 66], and completion or discontinuation of an ACLEI investigation)—see Table 1 (note that these figures can include matters from previous years that were still active).

8. As at 30 June 2017, ACLEI investigations had led to the commencement of 44 prosecutions, arising from 11 operations. Thirty convictions had been recorded to that date (involving 13 public officials and 17 other people), three prosecutions have been finalised in other ways (such as ‘proven, without conviction’), a further eight prosecutions were in progress, and three prosecutions were discontinued. It would be an unreasonable diversion of resources to disaggregate the data by the year each prosecution was commenced or finalised.
9. As at 30 June 2017, 229 corruption issues were being dealt with as an ACLEI investigation under 26(1)(a) of the LEIC Act. Consistent with section 28, a number of corruption issues were being dealt with together as single “Operations”.
10. Of the 229 corruption issues noted in Question 9:
- 110 related to the Department of Immigration and Border Protection (DIBP).
 - At 15 September 2017, 29 of the 229 corruption issues could reasonably be categorised as being in the “information-collection” stage and 94 corruption issues in the “report-writing” stage.
 - The former category (information collection) includes investigations commenced as intelligence probes or preliminary investigations, with further resource allocation pending the results of information collection.
 - The latter category (report writing) has been taken to include investigations for which active inquiries have ceased, but which have not yet formally been concluded under the LEIC Act—including: briefs of evidence are being prepared, matters are before the courts, formal reports to the Minister are in preparation, or consideration is being given to closing an investigation without reaching a conclusion about conduct (such as when further investigation is not warranted in all the circumstances).
11. Average Staffing Level (budgeted/ actual)—see Table 2.
12. Operations staff “working full-time on investigations” (actual head count, at 30 June)—see Table 2.

TABLE ONE

Question #	Workload	Investigations		Matters closed				Other
	1 (issues received or initiated/ total active during year#)	2 (external investigation commenced/ total active during year)	5 (ACLEI investigation commenced/ total active during year)	4 (action under LEIC Act not warranted at outset)	3 (internal investigations reconsidered and closed)	7a (internal investigation reviewed by ACLEI and completed)	7b (ACLEI investigations completed or otherwise closed)	Under assessment at 30 June -
2011–12	106 / 185	42 / 101	9 / 28	24	3	25	7	32
2012–13	78 / 204	25 / 109	11 / 31	32	0	38	9	32
2013–14	93 / 217	23 / 155	23 / 45	35	4	16	12	32
2014–15	100 / 252	38 / 127	42 / 75	35	2	51	7	15
2015–16	246 / 402	54 / 131	76 / 144	72	0	14	6	55
2016–17*	158 / 468	66 / 183	106 / 243	35	1	62	14	13

Workload figures also take into account investigations reopened, and corrections to previous year statistics (where relevant)

* Provisional figures for 2016–17, not yet verified.

TABLE TWO

Question #	11 (budgeted ASL/ actual annualised ASL)	12 (snapshot: actual head count at 30 June– Operations staff*)
2011–12	24/24	12
2012–13	29/28.3	9
2013–14	36/25.2	12
2014–15	38/30.6	15
2015–16	52/38.7	26
2016–17	52/46.8	27

* “Operations staff” category is a snapshot at 30 June each year of ACLEI staff whose full-time roles involved investigations, and does not include casual staff (eg electronic product monitors), staff seconded from other agencies at no cost to ACLEI (such as embedded or taskforce staff), nor other strategic resources (such as ACLEI lawyers, who enable investigation actions). Vacant positions are also not included.