

RECOMMENDATIONS

Recommendation 1

3.50 The committee recommends that the Law Enforcement Integrity Commissioner Bill 2006 be amended such that changes to the agencies subject to the Commission's jurisdiction are made by legislation, rather than regulation, as is currently provided for in paragraph (d) of the definition of law enforcement agency.

Recommendation 2

3.71 The committee recommends that the Law Enforcement Integrity Commissioner Bill 2006 be amended to provide the Integrity Commissioner with discretion not to investigate or refer a complaint where he or she considers the complaint to be frivolous:

- the complaint is frivolous or vexatious or was not made in good faith; or
- the complainant does not have a sufficient interest in the subject matter of the complaint; or
- an investigation, or further investigation, of the action is not warranted having regard to all the circumstances.

Recommendation 3

3.79 The committee recommends that the Law Enforcement Integrity Commissioner Bill 2006 be amended to remove the phrase 'in good faith' from proposed paragraph 22(2)(c).

Recommendation 4

3.80 The committee further recommends that the Law Enforcement Integrity Commissioner Bill 2006 be amended to insert a provision to improve protection for informants, such that where it appears to the Integrity Commissioner that a person's safety may be prejudiced or that person may be subject to intimidation or harassment, he or she may make such arrangements as are necessary to protect the safety of any such person, or to protect any such person from intimidation or harassment.

Recommendation 5

3.83 The committee recommends that the Law Enforcement Integrity Commissioner Bill 2006 be amended to provide an offence of giving false or misleading information to ACLEI, with an appropriate maximum penalty.

Recommendation 6

3.86 The committee recommends that a practice and procedure manual be developed by ACLEI as soon as possible after it commences operation.

Recommendation 7

3.106 The committee recommends that amendments are made to the Law Enforcement Integrity Commissioner (Consequential Amendments) Bill 2006 to ensure that a corruption issue that becomes apparent through an own motion investigation undertaken by the Commonwealth Ombudsman can be referred to ACLEI.

Recommendation 8

3.107 The committee recommends that the Law Enforcement Integrity Commissioner (Consequential Amendments) Bill 2006 be amended to provide greater clarity in relation to ACLEI's obligations to notify the Commonwealth Ombudsman of information relating to a matter referred by the Ombudsman.

Recommendation 9

3.127 The committee recommends that the Law Enforcement Integrity Commissioner Bill 2006 be amended to require the Minister to provide a report to Parliament on the proposed section 149 certificates he or she has provided in the previous financial year.

Recommendation 10

3.142 The committee recommends that Part 14 of the Law Enforcement Integrity Commissioner Bill 2006 be amended to provide the existing Parliamentary Joint Committee on the Australian Crime Commission with jurisdiction to scrutinise the Australian Commission for Law Enforcement Integrity and those Commonwealth law enforcement agencies subject to its oversight.

Recommendation 11

3.145 The committee recommends that the Law Enforcement Integrity Commissioner Bill 2006 be amended to provide for a review three years from the date of commencement of the Act.

Recommendation 12

4. The committee recommends that the Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006 be amended to provide that a determination on categories of conduct shall be made by the Commonwealth Ombudsman and the Commissioner of the Australian Federal Police within three months of the commencement of the Act.

Recommendation 13

4.65 The committee recommends that the lower level disciplinary matters (categories 1 and 2) should be subject to internal review while more serious matters (category 3) should be the subject of external review for example, through the Administrative Appeals Tribunal.

Recommendation 14

4.66 The committee also recommends that the possible conflict of the Bill with the *Workplace Relations Act 1996* be resolved, before the Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006 is enacted.

Recommendation 15

4.74 The committee recommends that the Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006 clarify that the professional standards regime applies to the Commissioner of the Australian Federal Police.

