

MINORITY REPORT BY THE AUSTRALIAN DEMOCRATS

- 1.1 The Democrats agree with the evidence as presented in the Chair's report.
- 1.2 We commend the Chair and the Secretariat for their efforts.
- 1.3 The Democrats applaud any moves to reduce corruption within Government law enforcement agencies and believe that the Law Enforcement Integrity Commissioner Bill 2006 is an important step in the protection of the integrity of our law enforcement agencies.
- 1.4 The Democrats are dismayed at the lack of jurisdiction given to the Integrity Commissioner.
- 1.5 Corruption can be an unfortunate side effect of power and responsibility and has the potential to pervade any area where that power and responsibility is exercised. It is crucial to responsible government that all measures are taken to prevent corruption occurring and the Federal Government should lead by example.
- 1.6 The Democrats believe that the proposed Integrity Commission should be given general jurisdiction to investigate all Commonwealth agencies with law enforcement functions as is currently the case in New South Wales, Queensland and Western Australia and their respective agencies.
- 1.7 Dr A.J. Brown, Senior Lecturer and Senior Research Fellow at Griffith University stated;
- Unless broadened, the restricted jurisdiction of the proposed Integrity Commission will represent a missed opportunity to properly strengthen the public integrity regimes of the Commonwealth Government in a manner which comparative research indicates is now overdue.¹
- 1.8 The benefits of widening the jurisdiction of the Commission were also recognised by the Commissioner for the Australian Federal Police who stated:
- If we are serious about this, and if it is not just a quick fix, then the AFP could benefit in its investigations if the ACLEI had a wider remit than what is proposed in the bill.²
- 1.9 Recognising that preventative measures are preferable to punitive measures, the Democrats believe that the Bill should encourage corruption resistance measures and training to become a substantive part of the Commission's function.

¹ Dr A.J. Brown, *Submission 8*, p. 2.

² *Committee Hansard*, 27 April 2006, p. 30.

1.10 In order to maintain fair and equitable standards the Democrats believe that officers who receive disciplinary measures should have some form of appeals process available to them, especially in the instance of dismissal.

Recommendation 1

That the scope of the Integrity Commission's jurisdiction be broadened to encompass other law enforcement agencies such as the Australian Taxation Office, the Australian Customs Service, the Australian Securities and Investment Commission and the Department of Immigration.

Recommendation 2

That more specific provisions are introduced into the Bill in order to establish a corruption resistance regime within the Integrity Commission.

Recommendation 3

That an independent tribunal or review board be set up to deal with any serious grievances a member of the AFP may have with regard to their employment in order to bring the AFP in line with other State police forces.

Senator Natasha Stott Despoja

Australian Democrats