

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 The objectives of the LEIC Act, as set out in section 3, are 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.¹

1.3 The 2015–16 Annual Report of the Integrity Commissioner (annual report) was presented to the Minister for Justice, the Hon. Michael Keenan MP, on 4 October 2016 and was tabled in the House of Representatives on 13 October 2016 and in the Senate on 7 November 2016.²

1.4 In correspondence dated 24 April 2017, the Acting Integrity Commissioner, Mr John Harris SC, informed the committee that it had come to ACLEI's attention that its 2015–16 annual report contained a number of statistical errors. In further correspondence dated 23 June 2017, the Integrity Commissioner provided the committee with corrected statistics. Where this report refers to the affected statistics, the corrected number has been used and a note has been included in the accompanying citation.

Requirements for annual reports

1.5 Section 201 of the LEIC Act requires ACLEI's annual report to provide details of a range of matters, including:

- corruption issues that have come to the Integrity Commissioner via: notifications from heads of law enforcement agencies; referrals from the minister; and referrals from other people;³

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

2 *House of Representatives Votes and Proceedings*, No. 11, 13 October 2016, p. 214; *Journals of the Senate*, 7 November 2015, No. 12, p. 383.

3 See sections 18, 19 and 23 of LEIC Act.

- corruption issues that the Integrity Commissioner has: dealt with on his or her own initiative; investigated; or referred to a government agency for investigation;
- corruption issues investigated over the year and certificates issued under section 149 during the year;⁴
- 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;
- 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.

1.6 The 2015–16 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, as well as the requirements set out in the Public Governance, Performance and Accountability Rule 2014.⁵ Excluding the provision of incorrect statistics regarding corruption notifications, referrals and assessments—errors which were subsequently identified and corrected by ACLEI, the details of which are discussed in chapter 3—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.⁶

Requirements for the examination of annual reports

1.7 Paragraph 215(1)(c) of the LEIC Act requires 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

1.8 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

4 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.

5 Australian Commission for Law Enforcement Integrity (ACLEI), *Annual Report of the Integrity Commissioner 2015-16*, pp 110–114.

6 ACLEI, *Annual Report of the Integrity Commissioner 2015-16*, pp 110–114.

matter in connection with the performance of the Integrity Commissioner's powers or functions under the LEIC Act.

1.9 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'.⁷ ACLEI has adopted this suggestion.

1.10 The 2015–16 annual report states that the Integrity Commissioner prepared no special reports during the review period.⁸

Conduct of the inquiry

1.11 The committee held a public hearing to examine the annual report on 11 July 2017. 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.

Acknowledgement

1.12 The committee acknowledges ACLEI's ongoing co-operation and engagement with the committee.

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

8 ACLEI, *Annual Report of the Integrity Commissioner 2015-16*, p. 114.

