

Chapter 1

Introduction

1.1 On 6 March 2014, the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (the committee) initiated an inquiry into the jurisdiction of the Australian Commission for Law Enforcement Integrity (ACLEI). Under the terms of reference, the committee was required to examine:

1. The adequacy of ACLEI's current jurisdiction;
2. The desirability and feasibility of expanding ACLEI's jurisdiction to include the entire Department of Agriculture or additional parts of that department;
3. In response to a recommendation of the Parliamentary Joint Committee on Law Enforcement, the desirability and feasibility of extending ACLEI's jurisdiction to include:
 - a. The Australian Securities and Investments Commission;
 - b. The Attorney-General's Department; and
 - c. The Australian Taxation Office;
4. The desirability and feasibility of extending ACLEI's jurisdiction to include the Department of Immigration and Border Protection;
5. Whether any activity-based approach to ACLEI's jurisdiction would be preferable to the current jurisdiction based approach;
6. The most appropriate method of implementing any change to ACLEI's jurisdiction including any budgetary implications; and
7. Any relevant matters.

Conduct of the inquiry

1.2 The inquiry was advertised in *The Australian* and through the internet. The committee invited submissions from Commonwealth, state and territory law enforcement agencies and interested organisations and individuals.

1.3 The committee received 12 public submissions. A list of individuals and organisations that made submissions to the inquiry, together with other information authorised for publication, is provided at Appendix 1. The committee held two public hearings in Canberra, on 19 June and 26 September 2014. Details of the public hearings are available in Appendix 2. The public submissions and Hansard transcript of evidence may be accessed through the committee's website.¹

1 www.aph.gov.au/Parliamentary_Business/Committees/Joint/Australian_Commission_for_Law_Enforcement_Integrity/Jurisdiction_of_ACLEI

ACLEI and the LEIC Act

1.4 ACLEI was established in 2006 by the *Law Enforcement Integrity Act 2006* (LEIC Act). The LEIC Act requires the appointment of the Integrity Commissioner, whose role is to 'consider the nature and scope of corrupt conduct revealed by investigations, and report annually on any patterns and trends concerning corruption in law enforcement agencies.'² The Integrity Commissioner also acts as the Chief Executive of ACLEI.

1.5 ACLEI's jurisdiction has expanded considerably from its establishment in 2006. ACLEI's original jurisdiction included the Australian Federal Police (AFP), the Australian Crime Commission (ACC) and staff of the former National Crime Authority (NCA). Its jurisdiction was first broadened in 2011 to include the then Australian Customs and Border Protection Service (Customs).³

1.6 In 2012, the *Law Enforcement Integrity Legislation Amendment Act 2012* amended the LEIC Act so as to include three additional agencies from 1 July 2013. The three agencies added were the Australian Transaction Reports and Analysis Centre (AUSTRAC), CrimTrac and certain quarantine-related functions of the then Department of Agriculture, Fisheries and Forestry (now the Department of Agriculture and Water Resources) as defined by regulation.⁴

Genesis of the inquiry

1.7 In May 2013 the Parliamentary Joint Committee on Law Enforcement tabled its report into the gathering and use of criminal intelligence. That report recommended that:

...the Parliamentary Joint Committee on ACLEI (PJC-ACLEI) [inquire] into the feasibility of extending ACLEI's jurisdiction to include ASIC, the AGD and the ATO. The committee recommends that the PJC-ACLEI consider whether these three agencies should be brought under ACLEI's jurisdiction on a whole-of-agency basis by regulation.⁵

1.8 Based on this recommendation, and given its ongoing interest in this area, the committee decided to initiate this inquiry into ACLEI's jurisdiction.

1.9 This report examines the question of whether ACLEI's jurisdiction should be expanded to include the Australian Securities and Investments Commission (ASIC), the Australian Taxation Office (ATO) and the Attorney-General's Department (AGD). It also considers the inclusion of other agencies of interest, namely the restructured Department of Immigration and Border Protection (DIBP) as well as other areas within the Department of Agriculture and Water Resources.

2 ACLEI, *Submission 1*, p. 1.

3 PJC-ACLEI, *Inquiry into the Operation of the Law Enforcement Integrity Commissioner Act 2006*, Final report, July 2011, p. 12.

4 ACLEI, *Submission 1*, p. 5.

5 Parliamentary Joint Committee on Law Enforcement, *Inquiry into the gathering and use of criminal intelligence*, May 2013, p. 93.

Report structure

1.10 This introductory chapter provides an outline of the conduct and establishment of the inquiry.

1.11 Chapter 2 examines matters relating to the establishment of the Australian Border Force (ABF) within the DIBP, and its inclusion within ACLEI's jurisdiction.

1.12 Chapter 3 examines ACLEI's jurisdiction over parts of the Department of Agriculture and Water Resources.

1.13 Chapter 4 examines matters relating to other agencies, including the ATO, ASIC and the AGD.

1.14 Finally, Chapter 5 discusses proposals for a national anti-corruption body.

Acknowledgements

1.15 The committee wishes to express its appreciation to all parties who contributed to the conduct of this inquiry, whether by making a written submission, by attending a public hearing or, as in many cases, by making both written and oral submissions.

