

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY

**Question No. 142**

**Senator Ludwig asked the following question at the hearing on 13 February 2007:**

- a) Provide an overview of where the agency is at in terms of establishment, including:
  - i) Recruitment of staff;
  - ii) Procurement of equipment.
  - iii) Establishment and outfitting of premises;
- b) Have all key appointments been finalised?
  - i) If not, why not?
  - ii) Which positions are yet to have their key appointments finalised?
  - iii) When was the original deadline for the finalisation of all key appointments?
  - iv) When does the agency expect to have finalised the key appointments?
- c) Has ACLEI initiated any investigations yet?
- d) Is ACLEI accepting complaints for investigation?
  - If so:
    - i) How many investigations has ACLEI initiated?
    - ii) When did ACLEI begin to initiate investigations?
  - If not:
    - i) Why not?
    - ii) When do you expect to begin accepting investigations?
- e) In cases where a person had previously exhausted the available complaints mechanisms but did not achieve a satisfactory result, is it the intent that the Commission will be accepting those complaints if they are made again?

**The answer to the honourable senator's question is as follows:**

a) The provisions of the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act) came into effect on 30 December 2006. The agency commenced operations on the first working day following that date, 2 January 2007.

i) As at 13 February 2007, all positions in ACLEI were filled with the exception of the Manager Intelligence position. That position had been filled but became vacant in early February 2007. Recruitment action is in progress to fill the position on an ongoing basis.

ii) Procurement of the majority of required equipment is complete. ACLEI staff are currently assessing further operational equipment requirements.

iii) Premises have been secured and fitted out for ACLEI.

b) No.

i) A merit selection process was conducted following national advertising of the position of Integrity Commissioner in June 2006. The selection process was not successful in identifying a suitable candidate for the position. A second recruitment process is currently underway to fill the position. Professor John McMillan

(Commonwealth Ombudsman) was appointed as acting Integrity Commissioner effective from 30 December 2006.

ii) Integrity Commissioner and Manager Intelligence.

iii) The original selection process for the Integrity Commissioner was conducted with a view to making an appointment of an Integrity Commissioner by 30 December 2006. The position of Manager Intelligence was occupied at the commencement of agency operations on 2 January 2007 but became vacant in early February.

iv) Appointment of the Integrity Commissioner is now expected to be finalised by the end of May 2007. Recruitment action is currently in progress to fill the position of Manager Intelligence. Completion of that process is expected by early May 2007

c) Yes.

d) ACLEI is accepting referred alleged corruption issues in accordance with the LEIC Act.

i) As at 21 March 2007, eight matters had been referred to ACLEI. Assessment and/or Investigation activity has been initiated for all of these matters.

ii) ACLEI initiated assessment and investigation activity upon receipt of the first matter referred to the agency. That matter was received on 17 January 2007.

e) The jurisdiction of the Integrity Commissioner to investigate corruption issues extends to conduct that was engaged in before the commencement of the LEIC Act. The LEIC Act specifies the matters to be taken into account by the Integrity Commissioner in deciding whether to investigate a corruption issue: these include whether it is a serious or systemic corruption issue, the need to ensure that a corruption issue is fully investigated, the resources available to the Integrity Commissioner, and whether investigation is warranted having regard to all the circumstances. A decision will be made in each individual case as to whether a corruption issue that has been referred to the Integrity Commissioner will be investigated, and if so how that investigation will be undertaken.